UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/40
4 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 3

COMPREHENSIVE EXAMINATION OF THEMATIC ISSUES RELATING TO THE ELIMINATION OF RACIAL DISCRIMINATION

Letter dated 2 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit, enclosed herewith,* a memorandum of the Federal Government of the Federal Republic of Yugoslavia on the implementation of United Nations Security Council resolution 1244 (1999). I would like to ask you to have it circulated as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 3.

(Signed) Branko Brankovic
Ambassador
Chargé d'affaires a.i.

---

* The annex is reproduced as received, in English only.

GE.99-14463 (E)

Annex

MEMORANDUM

OF THE FEDERAL GOVERNMENT OF THE FEDERAL REPUBLIC OF YUGOSLAVIA ON THE IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 1244 (1999)

1. **A political settlement within the FR of Yugoslavia:** By accepting the Ahtisaari-Chernomyrdin document and by its consistent implementation of the relevant provisions of Security Council resolution 1244 (1999) of 10 June 1999 and related documents within the envisaged period, the FR of Yugoslavia has confirmed its commitment to a peaceful political settlement in the province of Kosovo and Metohija, on the basis of an autonomy and guarantees of full equality of all citizens and ethnic communities in Kosovo and Metohija within the sovereignty and territorial integrity of the Republic of Serbia and the FR of Yugoslavia. The only way to establish such autonomy in the southern Serbian province is through a direct dialogue between the representatives of the State and all national and ethnic communities.

2. **Responsibility of the Security Council:** By its resolution 1244 (1999), the United Nations Security Council has unequivocally reaffirmed the sovereignty and territorial integrity of the FR of Yugoslavia in Kosovo and Metohija.

Proceeding from this, the FR of Yugoslavia has accepted the deployment of the international security and civil presences in Kosovo and Metohija under the auspices of the United Nations and with its mandate.

Security Council resolution 1244 (1999) has clearly defined the framework for the international civil and security presences in Kosovo and Metohija, which constitutes an integral part of the unified constitutional, legal, economic, financial, monetary, customs and tax systems of the FR of Yugoslavia. In this respect, the FR of Yugoslavia, as the host of the United Nations mission, has initiated that all relevant issues concerning the status of the international security presence (KFOR) and civil presence (UNMIK) be regulated through a comprehensive agreement during their presence in the southern Serbian province.

3. **State of affairs:** Despite the fact that the FR of Yugoslavia fully carried out and consistently carries out all its obligations, we cannot be satisfied in any way with the current pace and results achieved in the implementation of Security Council resolution 1244 (1999) and the relevant documents. On the contrary, many indicators are warning that certain key provisions of the resolution are not being implemented and even flagrantly violated, which has very serious

consequences on the Serb and Montenegrin populations in the Province and on non-Albanian national minorities and ethnic groups.

This, above all, pertains to the fact that KFOR and UNMIK do not fulfil their obligations in terms of ensuring a safe environment, safety of citizens, maintenance of public peace, law and order, which is an unconditional obligation set in operative para 9 of SCR 1244 (1999). The consequences are more than evident: massive daily violence throughout the province, terrorism, killing of civilians, kidnapping, usurpation, crimes and lawlessness and ethnic cleansing. All of this may have far-reaching consequences both on the process of stabilization of the situation in the Province and for the development in the wider region.

4. **Sovereignty and territorial integrity of the FR of Yugoslavia:** According to Security Council resolution 1244, the position contained in the Report on UNMIK (S/1999/779 of 12 July 1999, para 35), is also unacceptable and unfounded that the Security Council, in its resolution 1244 (1999) has vested in the "interim civil administration" (UNMIK) de facto authority "over the territory and people of Kosovo" and that in this way the sovereignty of the FR of Yugoslavia over the territory of Kosovo and Metohija has been practically suspended. According to this interpretation, the FR of Yugoslavia allegedly maintains legally its sovereignty while all legislative and executive powers, including the administration of justice, are vested in UNMIK. The mentioned position has no foundation in Security Council resolution 1244 (1999), which unambiguously guarantees the sovereignty and territorial integrity of the FR of Yugoslavia.

All positions, actions and decisions which do not recognize the principle of the sovereignty and territorial integrity of the FR of Yugoslavia or which represent its violation, implying that any contravention of and non-compliance with, or even revision of, Security Council resolution 1244 (1999) or the Military Technical Agreement of 9 June 1999 are unacceptable and legally invalid and cannot in any way be legally binding on the FR of Yugoslavia and its organs.

5. **Mandate:** The responsibilities of the international security presence to be deployed and acting in Kosovo and Metohija (operative para 9) are clearly defined in the resolution, while the UN Secretary-General is authorized to establish an "international civil presence" in Kosovo and Metohija (operative paragraphs 10 and 11) in order to provide an "interim administration" for Kosovo and Metohija under which the people of Kosovo can enjoy "substantial autonomy within the Federal Republic of Yugoslavia".

Therefore, the limits of the "interim administration" are clearly defined in the Resolution (operative paragraph 10) which has been further confirmed in Annex II of the Resolution, paragraph 5 ("on the establishment of the interim administration for Kosovo and Metohija as a part of the international civil presence under which the people of Kosovo can enjoy substantial autonomy within the FR of Yugoslavia"). Under international standards "substantial autonomy"

implies that some specific competencies and rights, such as the right of minorities to use, receive education and information in their own language, as well as the right to protect and foster individual culture and tradition and the affairs concerning the local administration, are transferred to the field of autonomy within the wider constitutional and legal order of a sovereign State.

Consequently, it is not possible to perform any functions outside the framework of "substantial autonomy" which is being advocated in the Report. Both the FR of Yugoslavia and the Republic of Serbia maintain all their authorities, functions and competencies in Kosovo and Metohija, except for those which, according to international standards, could be considered to be the authority and competence of "substantial autonomy". This, inter alia, implies questions such as unified economic conditions, unified regime of State border crossing, a single market and monetary and financial regimes, dinar as the single currency in a single country and a single market, a regime of identification documents, a unified legal system and all legal procedures (civil, criminal and administrative), all international obligations undertaken by the FR of Yugoslavia which are being implemented on its entire territory (such as the documents concerning the exercise of human rights, prohibition of discrimination, etc).

6. **Special Representative:** The UN Security Council has not authorized the Secretary-General's Special Representative to make arbitrary decisions in respect to what laws of the FR of Yugoslavia and the Republic of Serbia are to be implemented and what not in Kosovo and Metohija. Kosovo and Metohija is an autonomous province and constitutes an integral part a single constitutional, legal, economic, financial, monetary, fiscal, foreign exchange, customs, traffic and other systems of the Republic of Serbia and the FR of Yugoslavia.

In accordance with the obligation to respect sovereignty and territorial integrity of the FR of Yugoslavia in Kosovo and Metohija, Special Representative is obliged to observe Federal Constitution and other federal regulations as well as the Constitution, laws and regulations of the Republic of Serbia. The Government of the FR of Yugoslavia insists that this be fully observed in practice.

7. **Agreement:** Equally unacceptable is the position of UNMIK announcing its readiness to enter into arrangements with the FR of Yugoslavia in order to facilitate UNMIK activities in territories of the FR of Yugoslavia outside Kosovo (paragraph 36 of the Report), by which Kosovo and Metohija is de facto treated as a separate territory. The FR of Yugoslavia, as the host country to the international security and civil presence in Kosovo and Metohija under the auspices of the Untied Nations, remains open and requests that an over-all agreement be signed with the United Nations in order to regulate the status of international presence under the United Nations auspices as well as all other relevant issues.

8. **Security and protection of citizens:** On the basis of Security Council resolution 1244 (operative paragraph 9, subparas c and d) and of the Military Technical Agreement (paragraphs 1 and 2), the international security mission under the United Nations auspices, KFOR, has undertaken the obligation to ensure security and protection of all citizens, to keep public law and order and to establish and maintain a safe environment in the Province on the date when Yugoslav forces are withdrawn. However, despite the unambiguous obligations of KFOR, we are witnessing extremely serious problems arising out of unjustifiable procrastination of KFOR to fulfil its obligations.

The security gap created as a result of the withdrawal of the Yugoslav Army units and police, and the lack of any control of persons who enter into the territory of the FR of Yugoslavia at the unguarded international border crossings with Albania and Macedonia, as it has been requested and agreed upon, has as its consequence the infiltration of a large number of foreign citizens, terrorists of the so-called "KLA" and other criminal gangs from Albania. A large number of foreign citizens who are still in the territory of Kosovo and Metohija, without any control, jeopardize the security of all citizens in the Province and of Serbs and Montenegrins, as well as members of the national minorities and ethnic groups (Goranies, Turks, Roma, etc).

9. **Return of refugees and displaced persons:** One of the priorities of KFOR and UNMIK, pursuant to UNSC resolution 1244 (1999), operative subpara 9 (c) and operative subpara 11 (k) as well as in accordance with its Annex II, paras 4 and 7, is to establish a secure environment and ensure a safe and unhindered return of all refugees and displaced persons to their homes. With regard to non-Albanians in the Province, primarily Serbs and Montenegrin, KFOR and UNMIK not only failed to carry out their obligations, but have unfortunately also been responsible, due to their inadmissibly tolerant attitude towards the Albanian terrorists belonging to the so-called "KLA" and to other criminal gangs which have caused a mass exodus of Serbs, Montenegrins, Roma, Muslims, Goranies, Turks and others from the Province.

The Government of the FR of Yugoslavia urges KFOR and UNMIK to honour their obligations without delay and to create as soon as possible conditions for the return of all expellees from Kosovo and Metohija in safety.

10. **Disarmament of the so-called "KLA":** The greatest problem in the field of security represents the failure to fulfil the obligations set out in operative paragraph 9, subpara b and operative paragraph 15 of the resolution, concerning the demilitarization and disarmament of the so-called "KLA" and all other armed Albanian groups. The terrorist "KLA" has been given 90 days to demilitarize and disarm while the units of the Yugoslav Army have been withdrawn within an incomparably shorter period of time, i.e. within 11 days only, although this has been a more complex operation. The tolerant treatment of the so-called "KLA" by KFOR, which cannot be justified, has made it possible to undermine in various ways the above-mentioned imperative obligation under the resolution and to

encourage Albanian terrorists and extremists to continue unhampered the systematic violence, terrorists acts and massive repression, particularly against Serbs and Montenegrins.

The failure to disarm Albanian terrorists and the alleged agreements reached between KFOR and the terrorist so-called "KLA" represent a mere manipulation of the public, because everyone is aware, including KFOR that the so-called "KLA" has brought together only groups or gangs of criminals, drug dealers and assassins who are trying to turn Kosovo and Metohija into an illegal centre to supply the world market with narcotics.

This has resulted in an open ethnic cleansing in the presence of KFOR and UNMIK.

11. **Massacre of Serbs in Staro Gracko:** The brutal massacre of 14 Serbian farmers, women and children in the village of Staro Gracko, in the municipality of Lipljan, on 23 July 1999, when the Albanian terrorists brutalized and killed them close to where a KFOR contingent was located -represents the most appalling crime committed since KFOR and UNMIK were deployed in the Province. This is the latest in a series of tragedies which are the direct result of non-compliance with the obligations by KFOR and UNMIK to disarm Albanian terrorists six weeks after the United Nations assumed full responsibility for the security and safety of all the population in the Province, and of failure to prevent the systematic violence against Serbs and other non-Albanians.

KFOR and UNMIK bear full responsibility for this massacre and other crimes committed against innocent civilians, because they have not yet undertaken any efficient and energetic measures they were bound to take under Security Council resolution 1244 (1999) and the Military Technical Agreement, in order to halt immediately and prevent altogether any further outrages by Albanian terrorists.

The Government of the FR of Yugoslavia demands that the United Nations take all measures to have the perpetrators of the atrocity in the village of Staro Gracko and of all other crimes be punished in an exemplary fashion and that they be effectively prevented in further sowing fear and raining death all across the Province. A condition for averting similar tragedies in the future is for KFOR and UNMIK to comply fully with all their obligations under UNSC resolution 1244 (1999) and the Military Technical Agreement so that the so-called KLA and all Albanian armed terrorist groups be immediately disarmed, which could ensure safety of all citizens of Kosovo and Metohija and create conditions for normal life in the southern Serbian province.

The recent events in Orahovac and provocations of 300 members of the so-called "KLA" in uniforms, despite the presence of KFOR, is yet another confirmation of non-compliance with the provisions of Security Council resolution 1244 (1999) and of an unacceptable and biased treatment of Albanian terrorists.

12. **Investigation of the crime:** Forensic examination of victims: In the interest of building confidence among all people of the Province, particularly the Serbs, and of establishing normal inter-ethnic relations and of restoring the undermined trust as an essential precondition for the normalization of the overall situation in the Province, KFOR and UNMIK are dutybound to conduct a thorough and impartial investigation in all the crimes. This is particularly true of mass killings motivated by ethnic hatred and genocidal instincts. In this vein, it is particularly important that KFOR and UNMIK be tasked to carry out immediately an investigation into the Staro Gracko massacre and that the perpetrators of this horrible crime be brought to justice.

The Government of the FR of Yugoslavia insists that the Yugoslav investigation authorities and forensic specialists be included in the investigations and the process of identifying all people killed in Kosovo and Metohija.

13. **Ethnic Cleansing:** According to reliable information and still incomplete data which are also confirmed by the statements of official representatives of UNMIK (S.V. de Mello of 14 July 1999), over 165 thousand Serbs and Montenegrins have left Kosovo and Metohija since the arrival of the international force, i.e. in the period from 12 June to 26 July 1999, under the information provided by UNHCR. The reason for this exodus lies in the killings, kidnapping, looting of properties, widespread burning of Serbian villages as well as of cultural, historical and religious monuments, and other forms of intimidation.

- There are 78 536 registered internally displaced persons in Serbia and Montenegro. In Belgrade there are 24 293 displaced persons while it is estimated that their total number is 33 988. In Novi Sad, 3 134 IDPs have been registered while it is estimated that there are 5 720 of such persons. The largest number of the expelled Serbs and Montenegrins have found shelter in Kraljevo and its surroundings, where 51 136 persons have been registered and accommodation has been provided for as many as 74 983 persons (according to the information of 19 July 1999);

- At the same time, UNHCR data cite that 21 444 Serbs, Montenegrins and Roma have found refuge in Montenegro (according to the information of 19 July 1999);

- Prizren, Djakovica, Pec, Srbica, Podujevo, Vucitrn, Glogovac are now completely ethnically cleansed towns. The ethnic cleansing of Gnjilane, Urosevac, Kosovska Mitrovica and Lipljan is in its final stages. Over 3000 Serbs, i.e. 40 per cent of the total population have been expelled from Kosovo Polje. Serbs are being expelled also from the villages of Dzakovo, Osojane, Tucepom Kos, Zac, Belica, Krnjice and Maricane, in the municipality of Istok. Thirty-two Serb families have been forced to leave the villages of Toplicane, Rujice, Magure, Slovinj, Staro Gracko.

- Virtually entire towns, predominantly inhabited by Serbs - Istok, Klina, Donja Lapasnica, Obrandza, Velika Reka, Perane, Lause, as well as the villages

in the vicinity of Podujevo such as Grace, Donja Dubica, Zeciste, Orahovac, Naklo, Vitomirica, Belo Polje, Kajlovica, have been set on fire.

- Ninety-six persons have been killed while 8 of them have been massacred and 28 mutilated.

- 223 persons have been kidnapped, 22 are missing and 43 persons have been wounded.

- In Pristina alone, 120 cases of physical assault and mistreatment have been reported and 201 incidents of serious threats have been recorded.

- It has been reported that 251 houses and apartments have been broken into and looted, that 253 apartments in Pristina and about 120 in Kosovska Mitrovica have been broken into and forcibly taken occupancy of.

- In Pristina 68 houses have been burnt down, in Gnjilane 53, in Urosevac 80 and a large number in Lipljane. The fire has been also set to 70 houses in the village of Musutiste, to 32 houses in the village of Stimlje and to more than 400 houses in the municipality of Istok. In Pristina alone 9 apartments have been arsoned.

- Over 5 000 passenger cars have been stolen. This number increases by the day, while the number of unregistered Albanian crimes is much higher because of the severed communications and fear of retribution.

- Five Serbian medieval monasteries of great historical value have been vandalized or burnt down, such as the Holy Trinity monastery built in 1315 and the Devic convent built in 1434. Five cultural monuments have been demolished in Pristina alone, where there is also the headquarters of KFOR command, including the memorials to prominent Serb and Montenegrin men of letters, Vuk Karadzic and Petar Petrovic Njegos in downtown Pristina.

- Twenty churches and places of worship have been destroyed: Serbian churches in Prizren, Orahovac, Djakovica, Vucitrn, Samodrez and Velika Reka have been burned down. An attempt was made to set the bishop's residence in Pec and the temple of Holy Salvation in Pristina on fire. The clergy of the Serbian Orthodox Church in the Devic monastery (where a nun was raped) and in St. Nicholas's Church in Pristina have been terrorized.

- Not even cemeteries have been spared by Albanian terrorists and extremists who have barbarically vandalized and extensively damaged Orthodox headstones, while KFOR and UNMIK have not undertaken measures and actions as appropriate to stop this practice.

- There have been massive armed attacks on the Serbian villages of Slovinj, Maticane, Orahovac, Konjuh, Brivojce, Gornja Brnjica, as well as on the villages

in the vicinity of Kosovska Kamenica, Grmcar, Magila, Ajvalija and all villages in the Istok-Klina region.

- Looted were Serbian villages Muzicani, Slivovo, Orlovic, Dragas as well as those around Kosovo Polje, like Sofalija, Livadice, Mirovac and in the region of Sirinica from which all residents have been expelled. 1/

14. **Dialogue:** The terrorism practised by the so-called "KLA" is manifested in drastic assaults on the lives of Serbs, Montenegrins, Roma, Muslims and non-Albanians as a whole, in daily murders, arson of family homes, demolition and desecration of Orthodox Christian holy places and cultural monuments.

All these problems are known to representatives of KFOR and UNMIK, whether first-hand or from their contacts with the officials of the Republic of Serbia and the FR of Yugoslavia, especially with officials from the Federal Government Committee for cooperation with UNMIK.

The Government of the FR of Yugoslavia considers this dialogue to be useful and that it should be expanded, so that the practical results in improving the security and the overall situation in the Province could be positive.

15. **Usurpation:** Albanian terrorists and extremists under the pretext that they are former employees take over forcibly and according to a plan all firms and institutions from local and federal authorities, including the crucial State-run enterprises, and all this is tolerated by KFOR. By usurping and forcibly taking over the institutions, facilities and enterprises, the so-called "KLA" is seeking to create a new situation on the ground only to be verified and legalized by the international presence. Kosovo and Metohija would thus become an ethnically pure Albanian land.

Unfortunately, UNMIK and KFOR make no effort to bring an end to lawlessness and to establish public peace and order, under Security Council resolution 1244, which represents its flagrant violation. Moreover, directly or indirectly, individuals or parts of KFOR and UNMIK support such behaviour of the "KLA".

In accordance with the obligations undertaken by KFOR and UNMIK to ensure full order in the Province, the Government of the FR of Yugoslavia demands that all the illegally expropriated private and public (State) property, as well as public assets (State institutions, factories, businesses, petrol stations, etc.) be restored to their former state without delay.

1/Annex, An overview of terrorist and other acts of violence in the province of Kosovo and Metohija in the period from 12 June to 27 July 1999, according to the information provided by the Pristina-based Peace and Tolerance Centre.

The current critical situation in the field of security and human rights is justified by the fact that international police forces have not been deployed yet. But this is an unacceptable and unjustifiable excuse, having in mind that it is the obligation of UNMIK and KFOR to organize in due course a police service in Kosovo and Metohija, i.e. to unconditionally guarantee a secure environment, public peace and order and the respect of human rights and fundamental freedoms.

16. **Inviolability of private and State-owned property:** The international presence under UN auspices is obliged to ensure respect for the inviolability of the rights related to private and State-owned property. In this context, we welcome the position expressed by Special Representative Bernard Kouchner that the occupied dwellings of their illegally evicted owners would have to be vacated and returned to their rightful owners.

In view of the obligation of KFOR and UNMIK to ensure respect of the law, the Government of the FR of Yugoslavia insists that all expropriated property, private or State-owned (State institutions, public assets, factories and other commercial facilities, etc.), be restituted to their owners under the law.

17. **Discrimination:** KFOR and UNMIK tolerate the practice of establishing ethnic quotas for executive positions, favouring Albanians at a ratio of 9 to 1. In this way, the democratic principle of equality of all citizens irrespective of their national or ethnic origin and religion has been grossly violated. If this trend is to be tolerated, the very existence of a great number of Serbs and Montenegrins employed in public institutions would be in danger, i.e. 20 000 people in Pristina alone as well as in Prizren, Dragas, Podujevo, Lipljan and Strpci.

Massive terrorist and criminal acts perpetrated by Albanians and the creation of a widespread atmosphere of threat are ultimately aimed at completing the ethnic cleansing in the Province of Serbs and Montenegrins, in particular. The tolerant approach of KFOR and UNMIK and minimizing the scope of Albanian crimes, terror and mass violation of human rights plays into the hands of Albanian extremists and encourages them to achieve their strategic goal and create their mono-ethnic, exclusively Albanian Kosovo and Metohija.

18. **Multi-ethnic, multi-confessional and multi-cultural character of the province:** The obligation of KFOR and UNMIK is to radically change their tolerant attitude towards the sources and proponents of violence, lawlessness and crime from among the "KLA". The fulfilment of the clear mandate entrusted to them by Security Council resolution 1244 (1999) is a precondition to protect effectively all citizens in Kosovo and Metohija. KFOR and UNMIK are bound to undertake concrete and consistent measures to preserve the multi-ethnic, multi-confessional and multi-cultural nature of the Province.

The Government of the FR of Yugoslavia requests a safe and unhampered return of all expelled Serbs, Montenegrins, Roma and others as well as full respect of the

right to private property, labour, health protection and, above all, the right to life. It also insists that KFOR and UNMIK ensure the functioning of all public services, a unified power distribution system, PTT service, health, judiciary etc. and to ensure a safe return of all employees who have been forced to leave their jobs, to create normal working conditions, including their protection when they come to, and return from, their jobs.

19. **Border regime towards aliens:** There is no basis in the Resolution for the efforts by the Secretary-General to hand over to UNMIK and KFOR the powers vested in the legitimate authorities of the FR of Yugoslavia in the field of State border protection and border crossings. This is a gross violation of operative para 4 of SCR 1244 (1999) and of para 2 of Annex II thereof. Consequently the Government of the FR of Yugoslavia insists that the provisions of the Resolution (operative para 4) and Annex, para 6, relating to a presence of Yugoslav Army soldiers and police at the border crossings, be implemented without any further delay. Procrastination with respect to the establishment of these services is the main cause of the chaos and crime, including international traffic in narcotic drugs (drug mafia) and arms, trade in humans, etc.

Proceeding from the provisions of the resolution which guarantee the sovereignty of the FR of Yugoslavia, KFOR was bound to conduct border monitoring duties at the international border of the FR of Yugoslavia with Albania and Macedonia (operative paragraph 9, subpara g), to ensure normal and efficient functioning of customs, passport and visa services as well as anti-criminal, sanitary, phytopathological and other controls. It has also been bound to provide security guarantees for the competent Yugoslav customs officers, which includes their protection at work at the border and customs checkpoints and during their arrival to, and return from, their work. Contrary to its implied obligations, KFOR continues to honour this obligation in practice.

KFOR's failure to close the border essentially represents a very serious violation of SCR 1244 (1999) and of the MTA, which has very hard and tragic consequences. Thereby, KFOR is responsible for massive, uncontrolled infiltration of aliens, terrorists and criminals, while the laws of the FR of Yugoslavia are violated as well as international norms, which cannot possibly be justified. Such an attitude on the part of KFOR and UNMIK means playing into the hands of Albanian separatists and terrorists in their aspirations to put in practice their concept of a "Greater Albania", which is the principal source of instability in South-East Europe. This concept must and should be nipped in the bud only through a consistent and full implementation of SCR 1244 (1999), in particular:

(a) through the establishment of full security and monitoring at the international border of the FR of Yugoslavia with the Republic of Albania and the Republic of Macedonia, with the participation of Yugoslav Army soldiers and Yugoslav security forces (police);

(b) through the establishment of normal customs, immigration, health and other Yugoslav border services at all State border crossings, thus making possible normalization of an effective inter-State border crossing regime and monitoring, according to international norms and standards;

(c) through a resolute disarming, without delay, of the terrorist so-called "KLA" and of other armed Albanian gangs;

(d) through expulsion at the earliest possible date of all aliens who have entered illegally into the southern Serbian province via the unguarded border due to failures by KFOR and UNMIK to ensure in due course the security of borders and enable the normal functioning of Yugoslav border services.

20. **Identification documents regime**: Proceeding from the fact that the question of citizenship and residence is one of the main elements of sovereignty and foundation for the exercise and protection of human rights and fundamental freedoms and respect thereof, including the right to vote, as well as that the people in Kosovo and Metohija are Yugoslav citizens, there is a single regime both in the Province and in the entire Yugoslav territory concerning the identification documents procedure.

The Government of the FR of Yugoslavia requests full respect for, and the implementation of, the laws in force on the visa regime and identification documents of citizens (ID cards, passports, etc).

21. **Visits of foreign officials**: It is unacceptable and contrary to the provisions of the resolution and its Annex II, paragraphs 5 and 8, which confirm the sovereignty of the FR of Yugoslavia, that foreign officials during their visits to Kosovo and Metohija disregard the regular procedure envisaged by the Vienna Convention on Diplomatic Relations, as well as the Yugoslav visa regime in force.

Acceptable are not either the intentions of some States to establish any "offices" or "missions" in the Province, in flagrant breach of the Vienna Convention, Security Council resolution 1244 (1999) and the international diplomatic practice.

The Government of the FR of Yugoslavia demands that in scheduling the visits of foreign officials to Kosovo and Metohija, regardless of the purpose and character of these visits, the normal diplomatic procedure be strictly followed and the arrangements made through the diplomatic channels. Also, in establishing a resident office of an international organization or a mission of a foreign country, the provisions of the Vienna Conventions should be observed. In this connection, the Government of the FR of Yugoslavia underlines that this is one of the main prerogatives of sovereignty and that it has not transferred over to any party its right concerning decisions on visits of foreign officials to any part of its sovereign territory.

22. **Disruption of the unified economic system of the FR of Yugoslavia:** The attempts to inaugurate the concept of further preservation of a strong regime of economic restrictions against the FR of Yugoslavia, i.e. Republic of Serbia, on the one hand, and to establish a closed system of reconstruction and economic rehabilitation for Kosovo and Metohija, outside the Republic of Serbia and the FR of Yugoslavia, which is indicated in the Report of the Secretary-General, on the other hand, constitute a flagrant violation of a single constitutional, legal, economic, financial, monetary, telecommunications, information, traffic system and other systems of the FR of Yugoslavia and the Republic of Serbia.

The above approach is in flagrant violation also of the initiatives concerning the development of the region of South-East Europe, whose successful implementation is possible only with an equal participation of the FR of Yugoslavia. In this respect, account should be taken that the FR of Yugoslavia was the victim of destruction by NATO, resulting in an enormous material damage and humanitarian problems. The FR of Yugoslavia expects that the broader international community would show sympathy and assist it in removing these consequences, without which a stable development in the region as whole is unthinkable.

All discriminatory measures, restrictions and sanctions are unfounded and counter-productive in terms of plans to initiate the development of the region and activities aimed at establishing a basis for a lasting peace and security in the region.

23. **Monetary system:** The respect of the sovereignty and territorial integrity, the unity of the State, its territory and economy require that the Dinar be recognized as a single, legal tender in the entire territory of the Republic of Serbia and the FR of Yugoslavia, including the Province of Kosovo and Metohija. UNSC resolution 1244 (1999) does not offer a basis for any other solutions. The currency is an element of sovereignty and cannot, albeit temporarily, be a prerogative of autonomy.

24. **Yugoslav State property:** For the same reasons, also unacceptable and in contradiction with the resolution, is the attempt of UNMIK presented in the Secretary-General's Report, to administer any movable or immovable property, including monies, bank accounts and any property of or registered in the name of the FR of Yugoslavia or the Republic of Serbia or any other organ which is in the territory of Kosovo and Metohija (paragraph 37 of the Report). In this context, unlawful are also the requests of the members of Albanian ethnic national minority and KFOR to be granted full control over the Inland Revenue Office, cadaster of immovable property, vital Record Books and other registry books which constitute a legal foundation for the exercise of the rights of citizens on the basis of ownership of both movable and immovable property.

25. **Establishment of local authorities and the elections:** The position of the UNMIK declaring the Serbs as a national minority in their own State is contrary

to the Constitution and unacceptable. It has no basis in the Resolution and represents its gross violation. The transfer, with no legal ground, of competence to the Special Representative who may arbitrarily appoint "legitimate" representatives of Serbs, either individuals or political parties, is in contravention of the resolution and unacceptable, as has been done in the case of the Interim Council. Both the Government of the FR of Yugoslavia and the Government of the Republic of Serbia are insisting that the Serbs and other national communities on the Interim Council or in other bodies and institutions can be represented only by those representatives appointed by them.

The Government of the FR of Yugoslavia considers that the respect for full equality in the field of free expression of the will of Serbian and Montenegrin people as well as of the national minorities and ethnic groups in Kosovo and Metohija constitute the only legal basis for the democratic organization of Kosovo and Metohija and a lasting guarantee of ethnic and religious tolerance and cohabitation.

Regarding the running of democratic elections in the Province (operative paragraph 11, subparas c and f) of the Resolution and paragraph 84 of the Report of the Secretary-General, firstly, it is necessary to ensure political dialogue in order to reach a democratic political solution on autonomy and self-governance on the basis of equality of citizens and national communities, respect for the sovereignty and territorial integrity of the FR of Yugoslavia and the Republic of Serbia. Only the legitimate representatives of Serb and Montenegrin people living in Kosovo and Metohija and members of other national minorities or ethnic groups can participate in this dialogue. Secondly, the previous census of citizens constitutes a sine qua non for the organization and conduct of free and fair elections.

26. **Media:** Media should play an important role in the process of organizing and conducting the democratic elections. However, one should keep in mind that the situation concerning the media in the Province is extremely difficult after the destruction of radio and telecommunications systems and occupation of the existing radio and TV stations by the so-called "KLA". Both KFOR and UNMIK are bound to provide assistance to the competent authorities of the Republic of Serbia so that the existing situation could be improved as soon as possible, that an open democratic media space is established and conditions created for the democratic expression of the will of citizens. In this context, it is necessary to provide normal conditions for work of the existing media prior to the establishment of new ones.

27. Proceeding from the fact that the Government of the FR of Yugoslavia has completely fulfilled all its obligations under the resolution and related documents and within the envisaged period, it requests that all other factors, and UNMIK and KFOR in particular, fully and strictly comply with their obligations without any further delay. This is a key precondition for the achievement of the basic goals and tasks of the international presence in Kosovo and Metohija, whose framework is unambiguously provided for by Council resolution 1244. The decisions of KFOR and UNMIK which are not in line with Security Council resolution 1244 (1999) or which represent an attempt to diminish, i.e. endanger the sovereignty and territorial integrity of the country as well as the principle of full equality of all citizens in Kosovo and Metohija, will neither be recognized by the Government of the FR of Yugoslavia nor will they have any legal effect.

Belgrade, 27 July 1999

O V E R V I E W

of terrorist and other acts of violence in the province of Kosovo and Me
from 12 June to 26 July 1999, according to available and accessible
information provided by the Peace and Tolerance Centre in Pristina

(1) Number of persons kidnapped in Kosovo and Metohija: 223

(2) Number of persons killed in Kosovo and Metohija: 96 (of whom 8 were with their throats slit and 28 massacred)

(3) Number of missing persons in Kosovo and Metohija: 22

(4) Number of wounded persons in Kosovo and Metohija: 43

(5) Reported cases of physical assault and harassment: 120 (the figure ci for Pristina alone)

(6) Registered cases of threats: 201

(7) Registered number of dwellings broken into and looted: 251

(8) Registered number of dwellings broken into and forcibly taken occupan 253 in Pristina and about 120 in Kosovska Mitrovica

(9) Ethnic cleansing: Many towns were ethnically cleansed of all their Se residents. According to UNHCR data, more than 165,000 non-Albanians were out of Kosovo and Metohija.

- 78,536 persons expelled from their homes have been officially regis in Serbia and Montenegro;

- In Belgrade, there are 24,293 registered expellees and it is esti that there are 33,988 of them altogether;

- In Novi Sad, there are 3,134 registered expelled persons and their number is estimated at 5,720;

- Most of the expelled persons have found refuge in and around Kral where 51,136 such persons have been registered and the estimates are that are 74,983 in total;

- At the same time, Montenegro has provided shelter for 21,444 Montenegrins and Roma forced to leave Kosovo and Metohija;

Note: The information cited under item 9, except for the total numbers, relate to the period 12 June to 19 July 1999.

(10) Registered number of homes burned down: 68 in Pristina; 53 in Gnjilane; 80 in Urosevac; 70 in the village of Musutiste; 32 in Stimlje; more than 400 in the municipality of Istok; and many more in Lipljan.

(11) Registered number of dwellings burned down: 9 (the figure is cited for Pristina alone)

(12) Registered number of stolen vehicles: over 5,000

(13) Registered incidents of cultural monuments being demolished: 5 (only in Pristina)

(14) Destruction of church property: 20 temples and other religious buildings have been destroyed.

Burning of churches: Prizren, Orahovac, the temple in Djakovica, Vucitrn, Samodrez, Velika Reka;

- an attempted arson of the bishop's residence in Pec and of the Temple of Holy Salvation in Pristina;

Terrorization of the clergy: A nun was raped in the Devic convent; the priests were mistreated in St. Nicholas's Church in Pristina; the sisterhood of the Gorioc convent near Istok were all expelled;

Assaults and demolition: Five monasteries: the Devic convent, the Holy Trinity monastery, the monastery in the village of Binac near Gnjilane, the Dinac monastery near Vitina (desecrated and then burned down); the fourteenth-century monastery of St. Mark near Korisa was demolished;

- A church in the village of Drsna near Klina was destroyed; the church in Rekovac and St. Nicholas's church in Slovina were demolished; the parish Church of the Holy Apostles of Peter and Paul in Suva Reka was dynamited and explosives were planted in a church in Petric.

(15) Forced and illegal taking over of public institutions: Pristina, Prizren Dragas, Podujevo, Lipljan, Strpci.

- The forcible and illegal take-overs of public companies and institutions have left more than 20,000 Serbs and Montenegrins employed in them without work.

(16) Registered armed attacks on villages: Slovinj, Maticane, Orahovac, Konjuh, Berivojce, Gornja Brnjica, the villages around Kosovska Kamenica, Grncar, Magila, Ajvalija, all the villages of the Istok-Klina region, Gorazdevac near Pec.

(17) Registered sieges of villages: Gadnje, Orahovac, Gornja Srbica, Koretin, the villages around Gnjilane.

(18) Armed threats against villages: Ugljari, Srpski Babuc, Stimlje, Bresje, the Kosovo Polje environ, Milosevo (against which the armed attack was carried out).

(19) The looted Serb villages from which the residents were forced out: Muzicani, Slivovo, Orlovic, Dragas, the area around Kosovo Polje, Sofalija, Livadice, Mirovac, Sirinicka Zupa.

(20) Serb neighbourhoods set on fire: Istok, Klina, Donja Lapastica, Obrandza, Velika Reka, Perane, Lause, the village around Podujevo, Grace, Donja Dubica, Zeciste, Orahovac, Naklo, Vitomirice, Belo Polje, Kojlovice, Alos-Toplicane, Krajiste.

(21) Towns ethnically cleansed of Serbs and other non-Albanians: Prizren, Djakovica, Pec, Srbica, Podujevo, Vucitrn, Glogovac as well as the villages in the municipality of Istok: Dzakovo, Osojane, Tucepom, Kos, Zac, Belica, Krnjine, Maticane.

- The ethnic cleansing has also been done in Gnjilane, Urosevac, Kosovska Mitrovica (over 220 families have been expelled), Lipljan, Kosovo Polje where 3,000 Serbs (40 per cent of all its population) have been driven out, as well as those Serbs living in the villages of Toplicane, Rujice, Magure, Slovinj, Staro Gracko (32 families were forcibly deported).

- In Pristina, the situation is particularly difficult in the Ulpijana and Suncani Breg suburbs, from which almost all non-Albanians have been forced out. Physical attacks have been reported on entire buildings. The residents are terrorized; homes stoned; shops, companies and public facilities all looted.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/41
9 August 1999

Original: ENGLISH/RUSSIAN

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAP REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII).

Letter dated 29 July 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the fifty-first session of the Sub-Commission

I have the honour to transmit to you herewith* a copy of a letter addressed to the Chairperson of the committee on Economic, Social and Cultural Rights which contains the commentary of the Government of the Republic of Azerbaijan to the initial report of the Republic of Armenia under the International Covenant on Economic, Social and Cultural Rights.

I would be grateful if you could circulate the present letter and the above-mentioned letter to the Chairperson of the Committee on Economic, Social and Cultural Rights as an official document of the fifty-first session of the Sub-Commission under item 2 of the provisional agenda.

(Signed) M.-A. MAMMEDOV
Chargé d'affaires a.i.

* The annex is reproduced as received, in English and Russian only.

№ 311/12

Geneva, July 28, 1999

Dear Mrs. Bonoan-Dandan,

In connection with the forthcoming consideration by the Committee on the Economic, Social and Cultural Rights of the initial report of the Republic of Armenia (E/1990/5/Add.36) submitted under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, I have the honour to submit to you the comments of the Government of the Republic of Azerbaijan to the information contained in the above-mentioned report relating to Article 1 of the Covenant (points 1-18).

Taking into account the attempt of the authors of the report to distort and falsify the historical facts with the only purpose to justify the territorial claims of Armenia to Azerbaijan, I am obliged to inform the Committee about the following.

If we look back to the ancient times, historical facts confirmed by the research of Strabon and Plutarch unequivocally testify the existence at those times of the Albanian state on the territory which included present-day Nagorno-Karabakh region, the population of which was the precursor of modern Azerbaijani nation.

Independent Azerbaijani Khanate that was created later and covered the territory of the present-day Nagorno-Karabakh region of the Republic of Azerbaijan, during the days of feudal division on the threshold of XIXth century became the arena of strategic rivalry between Russian and Persian Empires. Under this circumstances, in accordance with the Agreement of 1805 the Karabakh Khanate was transferred to Russian Empire. Gulistan and Turkmenchay peace treaties of 1813 and 1828, that ended the Russian-Iranian wars fixed Azerbaijan, including the Karabakh Khanate, as a part of Russia.

During this period the mass migration of Armenians started from the Middle East to Transcaucasia including, *inter alia*, the territory of the present-day Armenia and the region of Azerbaijan which is known today as Nagorny-Karabakh. It is a matter of historical fact that only in 1828-1829, 130,000 Armenians from Middle East were resettled in Transcaucasia; later another 600,000 were also resettled. Thus, taking into account that the settlement of Armenians in Transcaucasia began only in the first part of the XIXth century, Nagorno-Karabakh region and any other part of the Azerbaijani territory could not be "*... an integral part of the Armenian State for thousands of years ...*" (page 3, point 2 of the report).

Mrs. Virginia BONOAN-DANDAN
Chairperson of the Committee
on the Economic, Social and Cultural Rights
Office of the UN High Commissioner for Human Rights
United Nations Office
Geneva

Nagorny-Karabakh was the inalienable part of the Democratic Republic of Azerbaijan in 1918-1920. After its fall the region was part of the Azerbaijan Soviet Socialist Republic. When Azerbaijan became in 1922 a part of USSR, the Nagorno-Karabakh region was within Azerbaijan, that was recognised by other Parties to the Treaty on Formation of USSR, including Armenia. Belonging of this region to Azerbaijan was confirmed in the Constitution of USSR, and the Law of the Azerbaijan SSR "About the Nagorno-Karabakh Autonomous Region", adopted by the parliament of Azerbaijan in 1981 in accordance with the article 86 of the Constitution of USSR, which determined its legal status within Azerbaijan.

I have to underline that the decision of Soviet authorities in 1921, mentioned in the report (page 3, point 2 of the report), did not transfer Nagorny-Karabakh to Azerbaijan but retained it within Azerbaijan, despite the attempts of Armenia, already possessed of the rich territories of Azerbaijani Zangezur, to seize the Nagorno-Karabakh region from Azerbaijan and to attach it to Armenia. Armenia never gave up the idea of appropriating that territory, and on many occasions raised this issue. Thus, in particular, on February 20, 1988, the Soviet of Peoples Deputies of the Nagorno-Karabakh Autonomous Region appealed to the Supreme Soviets of Azerbaijan, Armenia and USSR with request to consider a question on transfer of this region to Armenia. The information about this appeal and the reaction of the Supreme Soviet of Armenia to it are reflected in point 8 of the report (pages 4-5). However, the authors of the report passed over in silence the decisions in this regard of the supreme legislative bodies of Azerbaijan and USSR, which had deflected the above-mentioned request in accordance with article 78 of the Constitution of USSR of the following content: "*The territory of a Union Republic can not be altered without its agreement. The borders between the Union Republics can be altered on mutual agreement of the appropriate Republics, liable to approval by the USSR*". The Supreme Soviet of USSR confirmed by its decision of July, 1988 the unchanging of the borders of Azerbaijan and the sovereignty of Azerbaijan over its Nagorno-Karabakh region.

In our surprise, the authors of the report, with the aim to justify the territorial claims of Armenia to Azerbaijan, are referring to the Law of USSR "On the procedure for treating matters arising from the secession of a Union Republic from the USSR" (page 5, point 14 of the report) the purpose of which was to regulate the interrelations within USSR. Taking into consideration that the Union was broken off, the Law had no any political and legal consequences. The provisions of this Law were contradicted to the generally accepted imperative norms of international law. The destiny of a part of the territory of Azerbaijan can be solved by all the people of Azerbaijan but not of its certain part.

The comments by the authors of the report to the changes in the national composition of the population of the Nagorno-Karabakh Autonomous Region from 1970 to 1989 contained in the table (pages 3-4, point 4 of the report) are also attracted attention by very peculiar approach. Otherwise, how is it possible to explain the assert of the authors that "*The decline in the Armenian population of the Autonomous Region by 34,700 persons over the period from 1970 to 1989 was the result of Baku's policy aimed at driving Armenians from the region*" (page 4, point 4 of the report) if the above-mentioned table demonstrates at the same time that the number of Armenians in the Nagorno-Karabakh region of Azerbaijan increased over this period from 121,1 to 146,4 (in thousands)?

In reality, the facts in our possession, based on official statistical data, are spoken of a situation diametrically opposite to that represented by the Armenian's propaganda. Despite this propaganda, Azerbaijanis have been annihilated and driven in great numbers from their historical lands since the Armenians began to settle the Transcaucasia in the first half of the XIXth century to the present days. Taking advantage of the changed demographic situation after their resettlement, Armenians, under the tutelage of the rulers of tsarist Russia and later of the communist leaders of the Soviet Union, oppressed the native Azerbaijani population in various parts of Transcaucasia, including the Nagorno-Karabakh region of Azerbaijan, and increased their own numbers in those territories. According to Russian imperial statistics at the beginning of 20th century in Yerevan, present capital of Armenia, 70 per cent of the population were Azerbaijanis. By 1918 the number of Azerbaijanis in area which is now Armenia was 575,000 - more than a third of all inhabitants.

Following the establishment of Soviet rule in Armenia in late 1920, the Armenians were presented with a real opportunity to fulfil their age-old dream of creating an Armenian State and making territorial claims on neighbouring States. Over the 70-years of Soviet rule, the Armenians conducted a policy of building an "Armenia for Armenians only", expanding their territory at the expense of Azerbaijani lands and using every possible means to expel Azerbaijanis from their historical lands. The greatest achievement of the Armenian nationalists nestling in the leadership of the USSR was the implementation at the State level, with Stalin's blessing, of repressive measures against Azerbaijanis on the pretext of providing a labour force for the cotton-growing regions of the Mugan-Milsk steppe in the Azerbaijani SSR and settling the vacated lands with Armenians coming from abroad. One of the leading figures in the Kremlin, the Politburo member for more than forty years A.Mikoyan, Armenian by origin, played a major role in the implementation of the Armenian nationalists' plans for the ethnic cleansing of Armenia. Making use of his influence over Stalin, he secured the signature of the "little father of the peoples" on resolutions by the Council of Ministers of the Union of Soviet Socialist Republics No. 4083 of 23 December 1947, "Resettlement of collective farmers and other Azerbaijani inhabitants from the Armenian SSR to the Kur-Arax Lowland in the Azerbaijani SSR", and No. 754 of 10 March 1948, "Action to resettle collective farmers and other Azerbaijani inhabitants from the Armenian SSR to the Kur-Arax Lowland in the Azerbaijani SSR". Under these resolutions, during the period 1948-1953 more than 150,000 Azerbaijanis were forcibly deported from their historical homelands - the mountainous regions of Armenia - to the waterless steppes of Mugan and the Mil plateau. Many of them could not withstand the ordeal and perished. In this regard I would also like to inform the Committee that the State Commission to study the facts of illegal mass deportation of Azerbaijanis from Armenia in 1948-1953 had been established by the Decree of the President of the Republic of Azerbaijan of 18 December, 1997.

The forcing of the Azerbaijanis out of Armenia was accompanied by flagrant violation of their constitutional rights and a refusal to cater to their national and cultural needs. Hundreds of thousand Azerbaijanis who remained in Armenia until 1988, surviving as compact groups, displayed none of the hallmarks even of national cultural autonomy. Attempts to so much as mention this were promptly, roughly and savagely suppressed.

As a result of the Armenian Government's deliberate policy of suppression and expelling the Azerbaijani population, there is no a single Azerbaijani at present in Armenia.

It is well known that the term "genocide" in Armenia has long since been converted from a legal concept into an abstract phenomenon unique to that country, inculcated in Armenian society from generation to generation in order to foster hatred of all things not Armenian, to create the ideological basis for territorial claims to the neighbouring States and to justify own crimes. Still, even the subtlest propaganda will never manage to dispute the real facts and to distort the chronology of the events at the end of 80th of this century.

Calling to mind the events in several Azerbaijani towns (page 5, points 10-12 of the report), the authors of the report "omit", as "true defenders of interests of the Armenian people" customarily do in such cases, to recall a number of circumstances that are of vital importance in elucidating the true causes of the widespread disturbances in the Azerbaijani towns they mention in the report, notably between February 26 and 28, 1988, in Sumgait. It must be recalled, first of all, that the first blood was split on the eve of the tragedy in Sumgait when, on February 22, 1988, near the settlement of Askeran on the Khankendi - Agdam highway, Armenian fighters opened fire on a peaceful demonstration by Azerbaijanis protesting against unlawful decisions by the Nagorno-Karabakh regional Soviet. Two Azerbaijani youths lost their lives in consequence, becoming the first victims of the conflict. The events in Sumgait were also preceded by house-burnings and attacks on Azerbaijanis in Khankendi and by violence against the Azerbaijani population in Armenia claiming its first victims, provoking a flood of Azerbaijani refugees and displaced persons who were directed, among other places, to Sumgait. The crowning circumstance is that the leading figure in the disturbances in Sumgait was a certain Edward Grigorian, an Armenian and native of Sumgait, who was directly involved in the killings of and violence towards Armenians and the pogroms in the Armenian neighbourhoods. Grigorian was not able to escape, though he had been counted on to do so by those who had guided and directed him. By decision of the Criminal Division of the Azerbaijani Supreme Court dated December 22, 1989, Grigorian was sentenced to 12 years' imprisonment. The Court found Grigorian to be one of the organisers of the unrest and massacres. Depositions by witnesses and victims show that he had a list of flats inhabited by Armenians and, together with three other Armenians, called for reprisals against the Armenians, in which he took part personally. His victims (all Armenians) identified Grigorian as one of the organisers and active figures in the destruction and violence that occurred in Sumgait.

During the disturbances on February 26-28, 1988, in Sumgait, twenty-six Armenians and Azerbaijanis were killed. In all, the Azerbaijani Supreme Court convicted 66 people of crimes in Sumgait. It must be pointed out that the law-enforcement bodies in Armenia did not bring criminal proceedings against a single person for the brutal killings of 216 Azerbaijanis in Armenia in 1988-1989. Events in Sumgait and other Azerbaijani towns, being necessary to the Armenian leadership as a means of launching an extensive anti-Azerbaijani campaign and justifying the ensuing aggressive actions against Azerbaijan, had been planned and prepared in advance. A few days before the beginning of the events in Sumgait several Armenian families, the heads of whom, it later transpired, were closely connected to the "Krunk" Committee, an organisation which must shoulder a substantial share of the responsibility for

starting the war against Azerbaijan, hurriedly left the city. The only film to chronicle the disturbances, which was promptly distributed around the world, was shot on large-format colour stock by a professional crew from Armenia who had come to Sumgait specially 24 hours before the events there.

But the most telling refutation of the authors' mendacious inventions is undoubtedly the fact that, unlike Armenia, which has purged its territory of all non-Armenians and became a uniquely monoethnic State, more than 30,000 Armenians are still living in the capital of Azerbaijan, Baku, and they are full-fledged citizens of the Republic of Azerbaijan.

In connection with the false and cynical information contained in the report that "*... 8 to 10 month after the expulsion of the Armenians, Azerbaijanis living in the Armenian SSR were selling or exchanging their dwellings and leaving Armenia*" (page 5, point 10 of the report), I am obliged to inform the Committee about the following. In the winter of 1988, a fresh bout of ethnic cleansing began as the culmination of a deliberate policy to destroy all traces of the very existence of Azerbaijanis in Armenia. Under instructions from, and with the blessing of the Armenian authorities, the remaining 46,897 Azerbaijani families (about 200,000 individuals) were forcibly deported from their historical homelands within the present-day Armenian State, and left without homes or belongings. The mass expulsion was accompanied by killings and maimings. During just three days, from 27 to 29 November 1988, in the course of pogroms in the Armenian towns of Gugark, Spitak and Stepanavan 33 Azerbaijanis were killed. In all, 216 Azerbaijanis died during the ethnic cleansing in Armenia in 1988-1989; 49 froze to death, seeking safety from reprisals in the mountains; 41 died of savage beatings; 35 were killed after torture; 115 were burnt alive; 16 were shot; 10, unable to endure the humiliation, died of heart attacks; 2 were killed right in hospital by their Armenian doctors; 3 were drowned; 1 was hanged; 1, not wishing to die an agonising death, took his own life; 1 was electrocuted; 2 were beheaded; 29 were deliberately run over; 3 died in hospital because they were not given medical treatment; and a further 8 were abducted and vanished without trace. The majority of the dead were children, women and elderly people. They included 5 infants and 18 children of various ages. Virtually all the attacks on Azerbaijani settlements had the blessing of the official Armenian authorities and were commanded by local leaders and responsible figures or by members of the local law-enforcement bodies.

In the context of the above-mentioned facts, the following position of the Government of the Republic of Armenia with regard to the rights of the Azerbaijani refugees from Armenia reflected in the statement at the 54th session of the Commission on Human Rights by the Permanent Representative of the Republic of Armenia to the United Nations Office at Geneva is also attracted the attention by its refined cynicism and falsehood: "*We would like to remind the Commission that 168 thousand ethnic Azerbaijanis residing in Armenia at that time were provided enough time and the means to gradually leave the country and exchange and sell their property. Hence, they can not be considered as refugees. Moreover, Armenia has already paid the equivalent of 110 million US dollars as a compensation to Azerbaijani refugees*". I hope that the Committee will pay its attention to such position of the Armenian Government and, taking into account that the Armenian Government in reality still paid no compensation to the Azerbaijani refugees from Armenia, will carefully examine this issue.

Returning to points 5-7 of the report containing the absurd allegations about "... *a policy of "ethnocide"...* " and allegedly "... *the appropriation or destruction of ...* " so called "... *monuments of Armenian culture*" (page 4), I would like to remind that during the forcible expulsion of Azerbaijanis, hundreds of historical relics testifying to the fact that the lands in what is today Armenia had for centuries belonged to Azerbaijanis had been either destroyed or altered to look Armenian. Islamic places of worship and the graves in Azerbaijani cemeteries were defiled; mosques and tombs were damaged or broken up for building materials. To erase from history the fact that Azerbaijanis had lived in the place which is now Armenia, the names of some 2,000 towns and villages that formerly bore Azerbaijani names have been changed; 465 villages were renamed between 1935 and 1973, and 97 in April 1991. The concluding, tragic accord had been made in a meticulously planned campaign of physical extermination of the Azerbaijanis, once the most populous of the national minorities in the Republic of Armenia.

Madam Chairperson,

The military aggression of Armenia against Azerbaijan was preceded by anti-constitutional actions in the Nagorno-Karabakh region of Azerbaijan perpetrated by separatist groups receiving outside support; forming the backdrop to these actions were certain decisions taken by the Armenian authorities in contravention of international law. Most notorious of these decisions is the resolution "Reunification of the Armenian Soviet Socialist Republic and Nagorno-Karabakh" adopted by the Armenian Parliament on December 1, 1989. Moreover, in Armenia's Declaration of Sovereignty of 23 August 1990, part of the territory of another State - the Nagorno-Karabakh region of Azerbaijan - is recognised as an integral part of the Republic of Armenia. These decisions of the Armenian Parliament were enacted by its armed forces with the widespread use of mercenary bands and a sudden upsurge in terrorist activity by the Armenian special services and terrorist organisations against sovereign Azerbaijan State with a view to wresting away part of its age-old lands. All-out hostilities began at the end of 1991 and the beginning of 1992 when the armed forces of Armenia initiated combat operations in the Nagorno-Karabakh region of Azerbaijan using the most sophisticated weapon systems. Since May 1992 armed forces of Armenia have made incursions beyond the borders of the former Nagorno-Karabakh Autonomous Region into other parts of my country.

As a result of ten years of war, 20 per cent of the territory of Azerbaijan, comprising Nagorno-Karabakh region and an area four times bigger than that region, has been occupied and held by the armed forces of Armenia.

It should be noted in particular that the Agdere and Agdam districts of Azerbaijan were seized by the armed forces of Armenia following the adoption of United Nations Security Council resolution 822 (1993) of 30 April 1993, which condemned the occupation of the Kelbajar district; the Fizuli district was seized after the adoption of Security Council resolution 853 (1993) of 29 July 1993 condemning the seizure of the Agdam district; and the Djebrail and Kubatly districts were seized after the adoption of Security Council resolution 874 (1993) of 14 October 1993. In its resolution 884 (1993) of 11 November 1993, the Council condemned the occupation of the Zangelan district and the city of Goradiz, attacks on civilians and bombardments of the territory of the Republic of Azerbaijan. In all above-mentioned resolutions, the Security Council underscored respect for the sovereignty, territorial integrity and

inviolability of the borders of the Republic of Azerbaijan, and the inadmissibility of using force to acquire territory. It also demanded the immediate cessation of armed hostilities and hostile acts, and the immediate, full and unconditional withdrawal of all occupying forces from the occupied areas of Azerbaijan. Despite the unequivocal demands of the United Nations Security Council and the decisions adopted by the OSCE, Council of Europe and other international organisations in connection with the armed conflict, the Republic of Armenia is still occupying Azerbaijani territories, increasing its military presence and illegally placing Armenian settlers there.

The military aggression of the Republic of Armenia against the Republic of Azerbaijan pursuant to its policy of acquisition of territory by force and its plans to establish a mythical "Greater Armenia" has resulted in gross and flagrant violations of human rights of the Azerbaijani population which fall within the category of crimes against humanity.

As a result of the aggression of Armenia against Azerbaijan, ethnic cleansing of the territory of Armenia proper and the occupying part of the territory of Azerbaijan, there are currently about 1 million refugees and forcibly displaced persons in Azerbaijan. A total of 900 settlements have been looted and burnt out. Over 9 million square metres of civilian housing, state enterprises and social facilities have been destroyed. The total cost of the destroyed housing and the property removed therefrom amounts to tens of billion dollars. As a result of the aggression by Armenia against my country an extremely serious humanitarian situation has developed in Azerbaijan. Every year hundreds of elderly people, women and children die in refugee camps from diseases and epidemics.

Armed forces of Armenia, backed by mercenary formations and Armenian terrorist groups, have killed about 20,000 Azerbaijani citizens and wounded or maimed over 50,000. Thousands are missing and extrajudicial executions and mass shootings of civilians have been carried out. Kidnapped hostages held in Armenia and the occupied areas of Azerbaijan are doing forced labour and being made to endure inhuman treatment, beatings, torture and other gross violations of their human rights.

Madam Chairperson,

I express my firm belief that the Committee will give its qualified legal assessment to the attempts of the Armenian Government to misinterpret the right of peoples to self-determination as a unilateral right of persons belonging to ethnic minority to secession and create their own state.

I suppose also that the Committee, taking into account the position of Armenia with regard to beneficiaries of the right to self-determination, will not leave without attention the statement that "*... Armenia regards assistance to the realisation of the right to self-determination anywhere in the world, including Nagorny-Karabakh, as one of the most important principles of its foreign policy.*" (page 6, point 18 of the report), which represents, in our opinion, the open threat to territorial integrity of states.

Finally, in connection with the forthcoming examination by the Committee of the initial report of the Republic of Armenia on the International Covenant on Economic, Social and Cultural Rights, I have the honour to request your kind assistance in circulating of the present letter through the members of the Committee.

Please accept, Mrs. Bonoan-Dandan, the assurances of my highest consideration.

M.-A.Mammedov
Charge d'affairs a.i.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/42
10 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the
Promotion and Protection
of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 6 August 1999 from the Permanent Representative of Indonesia to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I am writing in reference to document E/CN.4/Sub.2/1999/4 of the Sub-Commission on the Promotion and Protection of Human Rights submitted pursuant to resolution 1998/3 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities in which the High Commissioner for Human Rights was requested to inquire into the security situation of individuals listed in its annex.

In this regard, I should like to draw your attention to paragraph 12 of the document, where it is written that there is no information available on Mr. Kasiepo which was to be provided by the Government of Indonesia.

I am surprised to see that the information provided by my office, which was sent on 3 August 1999, was not incorporated into the above-mentioned document. Furthermore, I am disconcerted to see that the note from the Office of the High Commissioner requesting information was only sent to my office on 2 July 1999 while the document containing the result of her inquiry was published on 5 July 1999. This situation I feel is quite unfair and I would therefore request that this letter, along with the annexed response from my Government,* be issued as a document of the Sub-Commission and that the above-mentioned document (E/CN.4/Sub.2/1999/4) be corrected accordingly.

(Signed): Dr. N. Hassan WIRAJUDA
Ambassador
Permanent Representative

---

* The annex is reproduced as received, in English only.

ANNEX

PERMANENT MISSION
OF THE REPUBLIC OF INDONESIA
TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS
GENEVA

The Permanent Mission of the Republic of Indonesia to the United Nations and Other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, in reference to the latter's note dated 2 July 1999, has the honour to provide its response in respect to Mr Victor Kasiepo as follows:

Mr Kasiepo left Indonesia in the early 1970s and has never returned to live there since. Therefore, he has never been, since then, engaged in activities in the field of human rights promotion and protection in Indonesia, including in the province of Irian Jaya, let alone labelling himself as a human rights defender in Irian Jaya.

Mr. Kasiepo has reportedly been living in the Netherlands but has never reported his presence to any Indonesian diplomatic representation or consular service there or in any other country. According to the Indonesian laws on citizenship, Indonesians living abroad must report to an Indonesian representation in the country of their new residence in every five years. Failing to do so automatically entails that he/she renounces to his/her Indonesian citizenship. Because Mr Kasiepo has not complied with the laws, he is no longer considered an Indonesian citizen. Being neither Indonesian citizen nor resident, he can therefore not avail himself of the protection of the Government of Indonesia.

In this regard, resolution 1998/3 adopted by the Sub-commission on Prevention of Discrimination and Protection of Minorities in which the United Nations High Commissioner for Human Rights was requesting to inquire about the security situation of individuals listed in the annex to the resolution, including Mr Kasiepo, does not apply to Indonesia.

Office of the United Nations
High Commissioner for Human Rights
Palais Wilson
52 rue des Paquis
1201 Geneva

The facts also prove that Mr Kasiepo is not a stranger to the Office of High Commissioner for Human Rights since he has frequently attended various human rights meetings at Palais des Nations for at least in the past few years. For example, his name appears in the lists of participants for the 50th session of the Sub-commission on the Prevention of Discrimination and Protection of Minorities and for the Fifty-Fifth session of the Commission on Human Rights under the banners of two NGOs, namely Survival International and International Work Group for Indigenous Affairs respectively. Just recently, in July 1999, he also attended the pre-sessional Working Group on Indigenous Populations.

For the latter's information, human activists need not to take cover to conduct their activities in Indonesia. In the current political environment more and more Indonesians are beginning to engage not just in the discourse of human rights but also in the active promotion and protection human rights through practical measures. The formation of organizations by Indonesians aimed at promoting and protecting human rights is the most apparent feature of this new active participation. NGOs have been growing in number and are increasingly becoming active in the promotion of a civil society. In this regard, several NGOs have recently emerged whose activities, ranging from human rights in general to more specific aspects of human rights, are getting substantial recognition from both the Indonesian people and the Government. This attests the commitment of the Government of Indonesia to developing partnerships with individuals, groups, institutions and NGOs in the promotion of democracy, human rights and fundamental freedoms for the advancement of democratic societies, institutions and processes.

The Permanent Mission of the Republic of Indonesia avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 3 August 1999

PERMANENT MISSION OF THE REPUBLIC OF INDONESIA * GENEVA *

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/43
10 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and Protection
of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 6 August 1999 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit herewith the Position Paper of the Chinese Government on Tibet (see annex).

I would be grateful if you could have this letter and its annex* circulated as an official document under item 2 of the agenda of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): QIAO ZONGHUAI
Ambassador
Permanent Representative

* The annex is reproduced as received, in English and Chinese only.

GE.99-14615 (E)

The Position Paper of the Chinese Government on Tibet

Tibet is an inalienable part of China. From the 13th century up until now, the Chinese government has always been exercising effective jurisdiction over Tibet. After the founding of the People's Republic of China, especially after the Democratic Reform and the abolition of serfdom in this region, world-shaking changes have occurred in social development and human rights situation in Tibet.

I. Historical Turning Point for Human Rights in Tibet

Prior to 1959, people living in the old Tibet ruled by the Dalai Lama were oppressed and mercilessly exploited by the backward feudal serfdom system, and human rights meant nothing to them. During the late 1950s and early 1960s, the Tibetan people, led by and with support from the Central People's Government, conducted a democratic reform of great and profound significance and completely abolished the feudal serfdom system, carving out a new era for the development of human rights in Tibet.

The old Tibet was a society practising a feudal serfdom system combining political and religious power, which was darker than the European Middle Ages. The officials, feudal lords and senior monks, who made up less than 5 percent of the population of Tibet, owned all cultivated lands, range lands, forests, mountains and most livestock. They also held power over people's lives and property. The serfs and slaves, who made up more than 95 percent of the population of Tibet, owned nothing, and without personal freedom they had to leech onto manors of the lords or be slaves for generations. Under the feudal serfdom, serfs suffered from compulsory corvee labour, taxation and usury imposed by serf owners and lived on the verge of death. Serfs were forced to flee from famine and became beggars, and countless numbers died of starvation and disease. Crowds of beggars, including the aged, women and children, were often seen in cities and towns such as Lhasa, Xigaze.

Serfs and slaves had no personal freedom or political status, while the manorial lords, who owned living bodies of serfs, were free to trade, transfer, present, mortgage or exchange serfs, who were seen as private property. The serf owners wielded the power of life and death over the serfs and the power over their marriage. *The 13-point Law* and *the 16-point*

Law, which were enforced for several hundred years in old Tibet, divided people into three classes and nine ranks. The inequality of people's social and political status was therefore affirmed and safeguarded by law. The laws stipulated that "people have three classes, and each class includes three ranks." According to the codes, serfs, who belonged to the lowest rank of the lowest class, would be arrested if they attacked those of the upper rank. The codes stipulated that "anyone who resists a master's control should be arrested, a commoner who offends an official should be arrested and anyone who voices grievances at the palace, behaving disgracefully, should be arrested and whipped." Local governments and large monasteries in old Tibet all had law courts and prisons. Feudal lords could build private prisons on their own manor ground and serf owners could beat and scold serfs at will. The lords were also free to practise extremely savage and cruel punishments, such as cutting off ears, hands and feet, throwing people into water, gouging out their eyeballs and pulling out their tendons.

The abolition of serfdom was an inevitable social development in Tibet as well as a strong desire of the Tibetan people. In order to break away from the cruel rule of feudal serfdom and to strive for human rights, Tibetans never ceased their struggles to resist, presenting petitions, fleeing, resisting rent and corvee labour and waging armed struggles. In view of the special historical and actual conditions in Tibet, the Central People's Government and the Tibetan local government signed an agreement on measures for the peaceful liberation of Tibet in 1951 when Tibet realized its peaceful liberation. The agreement, known as *the 17-Article Agreement*, recognized the necessity of reforming the social system in Tibet while presenting a cautious attitude towards reform. According to the 17-Article Agreement, the central government did not apply coercion on all matters relevant to various reforms in Tibet. The Tibet local government should voluntarily conduct reform. When people made requests for reform, they should be resolved by adopting the method of consulting with leaders of Tibet. However, some people of the upper ruling clique in Tibet were simply against the reform and attempted to permanently retain serfdom in order to safeguard their vested interests. The rulers refused to give in to public opinion, but rather conspired with anti-China forces abroad to organize a series of armed rebellions and separatist activities. They murdered central government officials stationed in Tibet and cruelly killed those Tibetan people who supported the Democratic Reform. On March 10 1959, they undisguisedly broke the 17-Article Agreement, announced the "independence of Tibet," and launched an overall armed rebellion. Under such circumstances, the Central People's Government, together with

the Tibetan people, stoutly put down the rebellion in order to maintain the unity of the country and protect the essential interests of the Tibetan people. Meanwhile, on July 17 1959, the Preparatory Committee for the Tibet Autonomous Region adopted a resolution for carrying out democratic reform. A mighty movement was thereafter launched among the masses to push democratic reform in Tibet. The reform smashed the feudal serfdom system and helped millions of serfs and slaves realize their dream of the right to be the masters of their own affairs.

– Emancipation of serfs and slaves. After quelling the armed rebellion in Tibet in 1959, the central government immediately disbanded the Tibetan local government and its armed forces, courts and prisons which had oppressed the Tibetan people for hundreds of years, and abolished the old code and the barbarous punishments it decreed. Then the government initiated a mass movement against the rebellion, the corvee system and slavery, pushed for the reduction of rent and interest, declared the emancipation of serfs and slaves, abolished the dependence of serfs and slaves on their owners and canceled the usurious debts owed to serf-owners by the labouring people. With their personal security and freedom guaranteed by the Constitution and laws of New China, serfs and slaves were no longer subjected to forced labour and inhuman treatment by serf-owners. They started to claim the fruits of their labour and no longer suffered from heavy corvee and taxation, nor were they any longer exploited by usury.

– Abolition of feudal land ownership by serf-owners. The Preparatory Committee for the Tibetan Autonomous Region on September 21 1959, passed a resolution on the abolition of feudal land ownership by serf-owners and the implementation of land ownership by peasants, deciding on the confiscation of land and all other means of production belonging to serf-owners who had taken part in the armed rebellion, and the distribution of the properties among serfs and slaves and the purchase of land and other means of production from serf-owners with State funds, allocating the properties among the former serfs and slaves. Becoming owners of land and other means of production, the former serfs and slaves showed unprecedented enthusiasm for labour, which dramatically promoted social and economic development in Tibet and improved the living conditions for the Tibetan people and conditions for their advance. Statistics indicated that by 1960, when land reform was by and large completed, Tibet's grain output went up by 12.6 percent from 1959, or 17.5 percent from 1958 before the land reform began.

– Abrogation of the political system combining religion and politics. Under the political system combining religion and politics in old Tibet, the Dalai Lama, one of the leaders of the Gelug Sect of Tibetan Buddhism, was also the head of the local government with both political and religious power. There were both monks and lay officials in the administrative organs of the old Tibet, with the former ranking higher than the latter. Monasteries enjoyed a series of privileges in all aspects of political, economic and social life. The Democratic Reform completely abrogated the political system combining religious and political rule, achieving the complete separation of politics and religion. It was decreed that the freedom of religious belief, people's freedom to become lamas and nuns and their freedom to resume secular life and monasteries inhabited by patriotic and law-abiding lamas were all protected during the Democratic Reform. However, the reform abrogated all the feudal economic and political privileges enjoyed by monasteries, including feudal ownership, exploitation and slavery and the feudal administration and hierarchy within the monasteries. The funds of the monasteries and their properties were used as a production fund and allocated to lamas and nuns to pay for their living and normal religious activities. Also, the government was to subsidize the monasteries if their incomes could not cover their proper expenses. Separation of politics and religion not only effectively guaranteed the Tibetan people's freedom of religious belief, but also laid the foundation for a democratic political system.

– Gradual implementation of regional autonomy by ethnic minorities. The Democratic Reform made the former serfs and slaves the masters of Tibet, and the Tibetan people masters of the nation along with people of all other nationalities in China, able to enjoy all the political rights entrusted by the Constitution and laws of the country. With a general election carried out in Tibet in 1961, the former serfs and slaves for the first time gained the right to be the masters of their own destiny. They eagerly took part in the election, exercising their democratic rights with great political enthusiasm and a high sense of responsibility. Many emancipated serfs and slaves became leading officials at all levels of the autonomous region. The establishment of the Tibetan Autonomous Region and the implementation of regional autonomy by ethnic minorities systematically guaranteed the political rights of the Tibetan people to participate equally in State affairs, and the autonomy of the Tibetan people to manage local affairs and those of their own ethnic groups.

Through the Democratic Reform, in just a few years, New China eliminated the feudal serfdom that had lasted for nearly a millennium in Tibet by emancipating the millions of serfs and slaves in all aspects of political, economic and social life. This was an epoch-making change in the history of Tibet's social progress and the development of human rights, and a major contribution to the cause of human rights in both China and the world.

II. Guaranteeing Civil and Political Rights

People of the Tibet Autonomous Region enjoy all rights of citizens and political rights as stated in the Constitution and are entitled to all special rights of regional autonomy of ethnic minorities.

Those aged 18 have the right to vote and the right to be elected, regardless of their ethnic status, race, sex, occupation, family background, religious belief, education, property status or length of residence. They can vote for people's deputies in townships, towns, districts and counties who in turn elect deputies to the national, autonomous regional and municipal people's congresses. People get involved in managing State and local affairs through the people's congresses. Since the founding of the autonomous region in 1965, Tibetan and other ethnic minority deputies have accounted for some 80 percent of the total number of deputies to the people's congresses in the Tibet Autonomous Region. In the present ninth National People's Congress, 19 deputies come from the Tibet Autonomous Region, 80 percent of whom are of Tibetan nationality and other ethnic minorities. Out of the autonomous region's 450 people's deputies, 82.44 percent are Tibetans and from other ethnic minorities.

Tibetan women enjoy equal rights as men in participating in government and political affairs. Before the Democratic Reform in Tibet, women in Tibet were at the bottom of the social ladder and had no political status at all. After the Democratic Reform, Tibetan women began enjoying status and rights as equals to Tibetan men in accordance with the Constitution and law. Statistics indicated that since the first general election in the Tibet Autonomous Region, the participation rate for women in the elections of deputies to the autonomous regional People's Congresses has all along surpassed 90 percent. At present, the proportion of female deputies at various levels of the autonomous region's people's congresses is above 15 percent. At the end of 1998, the region had 22,525 female cadres, making up 32.8 percent of the total.

According to the Constitution and the Law on Regional Autonomy of Ethnic Minorities, Tibet, where Tibetans live in compact communities, adopt regional autonomy and the people there enjoy the rights of regional autonomy. The law also stipulates that the chairman or vice-chairmen of the autonomous regional people's congress standing committee must be of Tibetan nationality, as well as the chairman of the autonomous regional government and key posts of governments at various levels. Local governments at various levels should recruit as many Tibetans and people of other ethnic groups as possible. Since 1965, the chairmen of the autonomous regional people's congresses and of the governments have all been Tibetans, so are chief leaders in the autonomous regional people's congresses, government institutions and people's procuratorates. In 1998, the autonomous region had 49,851 cadres of Tibetan nationality and of other ethnic minorities, which accounted for 74.1 percent of the total. And of the chairman and vice-chairmen of the autonomous regional people's congress standing committee, 71.4 percent were of Tibetan nationality. Some 80 percent of the autonomous regional people's congress standing committee members and 69.36 percent of the region's technical cadres are of Tibetan and other ethnic minorities backgrounds.

At the provincial level, the Tibet Autonomous Region not only enjoys the right to formulate local regulations, but is entitled to make decisions on local affairs and promulgate rules governing the exercise of autonomy and specific issues, in accordance with local political, economic and cultural characteristics. The Tibet Autonomous Region is entitled to apply for accommodations in implementing or an end to implementing resolutions, decisions, orders or decrees issued by the higher authorities if they are considered unsuitable to the actual conditions in Tibet. Since the founding of the Tibet Autonomous Region in 1965, the autonomous regional people's congresses and their standing committee have formulated and promulgated more than 150 local regulations and authentic resolutions and decisions on such matters as building of political power, economic development, culture, education, spoken and written language, the judiciary, cultural relics protection and protection of wildlife and natural resources. These include *the Rules of Procedures of the People's Congress of the Tibet Autonomous Region*, *the Resolutions on Study, Use and Development of the Tibetan Language of the Tibet Autonomous Region*, *the Regulations on the Supervision and Inspection of Strengthening Implementation of Laws and Regulations in the Tibet Autonomous Region*, *the Regulations on Protection and Management of the Tibet Autonomous Region's Cultural Relics* and *the Regulations on Protecting the Environment in the Tibet Autonomous Region*. The formulation and

implementation of these local regulations, specific rules and accommodated stipulations fully demonstrate that the Tibetan people enjoy the right to autonomy in managing the affairs of the region and their nationality in accordance with law, and effectively ensure that the Tibetans have access to special rights in their political, economic and cultural life.

The religious freedom of the Tibetan people is respected and protected. The abolition, by means of the Democratic Reform, of the political system which combined religion with politics provides institutional guarantees for the Tibetan people to observe religious freedom and conduct ordinary religious activities. Since China adopted the reform and opening-up policy in 1978, the State has allocated more than 300 million yuan (US$36.14 million)and large quantities of materials such as gold and silver for the repair and maintenance of Tibet's lamaseries. For the renovation of the Potala Palace alone, the central government allotted more than 55 million yuan (US$9.63 million) during a five-year period, the largest and most expensive renovation project for the palace in hundreds of years. The central government also provided 6.7 million yuan (US$0.81 million) in special funds, 111 kilograms of gold, 2,000 kilograms of silver and large quantities of jewels for the renovation of the holy stupas and the memorial halls for the 5th to the 9th Panchen Lamas, and 66.2 million yuan (US$7.98 million) as well as 650 kilograms of gold, for the renovation of the 10th Panchen Lama's holy stupas and memorial hall. The central and the autonomous regional governments also funded the renovation and repair of such renowned Buddhist temples, lamaseries and monasteries as the Jokhang, Zhaxi Lhunbo, Zhebung, Sera and Gandain, which satisfy the needs of religious believers in their conduct of religious activities. More than 1 million worshipers make the pilgrimage to Lhasa each year, and in famous monasteries such as the Jokhang, crowds of believers can be seen praying, turning their prayer wheels and bowing to Buddhist statues. Family halls for Buddhist sutra and niches for a statue of Buddha are set up in the houses of nearly every believers.

The Tibetan nationality's freedom to use and develop their own language has been effectively protected, and Tibetan is the common language of the entire autonomous region. In July 1987, the autonomous regional people's congress adopted *the Regulation on Study, Use and Development of the Tibetan Language in the Tibet Autonomous Region* for trial implementation, which clearly stipulates that both the Tibetan and Chinese languages should be used in the Tibet Autonomous Region, with priority given to Tibetan. Today, all resolutions, regulations, rules and decrees adopted by the People's Congress of the Tibet Autonomous Region

and all formal documents and notices issued by the autonomous regional government are promulgated in both Tibetan and Chinese. The people's courts and procuratorates at various levels of the autonomous region also protect the citizens' right to use their own language in lawsuits. Lawyers and prosecutors are required to use Tibetan when conducting lawsuits involving people of Tibetan nationality. Newspapers and radio and television stations also use both languages, and most of the books edited and published in the autonomous region are in Tibetan. Speakers of different languages are treated equally in the recruitment of workers, cadres and students, with priority always given to Tibetan speakers. In schools in Lhasa as well as in prefectures and counties, teaching is done in both languages and below the county-level, the Tibetan language is the teaching language and the main course of all schools at every level.

III. Improvement of Economic, Social and Cultural Rights

Since the implementation of the Democratic Reform 40 years ago, the Tibetan people, with the support of the central government and people all over China, have been making every effort to develop their economic, social and cultural lives. Tibet has witnessed fundamental changes in its overall social outlook while the enjoyment of economic, social and cultural rights by the Tibetan people has been substantially improved.

The central government has always instituted preferential policies to encourage Tibet's social and economic development. It has allocated large sums of capital and provided support in technology and professionals. Between the 1950s and 1997, the central government allocated more than 40 billion yuan (US$4.8 billion) to Tibet while sending large amounts of goods and materials to the region. In the past few years, the central government has allocated over 1.2 billion yuan (US$144 million) in financial subsidies to Tibet each year. At the same time, groups of cadres and technicians have been sent to work in Tibet, and 15 provinces and municipalities have launched regular Tibet aid projects, all greatly advancing Tibet's social and economic development. Statistics indicate that the gross domestic product of Tibet reached 9.118 billion yuan (US$1.09 billion) last year, a 47.1-fold increase over 1959. Investment in infrastructure projects came to 3.66 billion yuan (US$440 million) in 1998, 468 times greater than the figure for 1958, before the Democratic Reform was launched. Last year, regional local revenue reached 364 million yuan (US$43 million), 96 times more than that in 1958.

Before the Democratic Reform, there was no modern industry in Tibet,

it now has more than 300 factories engaging in dozens of modern industries such as power generating, mining, cement, leather processing, textiles, food processing and building materials. It has begun to be modernized while retaining Tibetan characteristics. Industrial output value in Tibet last year reached 1.365 billion yuan (US$164 million), up 31 times over 1959. Prior to its peaceful liberation, Tibet was a land of backward communications and now has a highway network, with the regional capital of Lhasa as its centre, with modern roads to Qinghai, Sichuan and Yunnan provinces and the Xinjiang Uygur Autonomous Region. There is also a highway to neighbouring Nepal. Tibet presently has Bomda, Damshune and Gongkar airports with flight routes from Lhasa to Beijing, Chengdu, Xi'an, Xining, Chongqing and other Chinese cities. There are also international flights between Lhasa and Kathmandu in Nepal.

Before the launching of the Democratic Reform, more than 90 percent of Tibetans had no houses of their own, and many serfs were forced to borrow and beg for a living. Life for the Tibetan people has been greatly improved now. In 1998, the per capita disposable income of urban residents in Tibet reached 5,438 yuan (US$654), higher than the country's average for the first time. The per capita net income of farmers and herdsmen reached 1,158 yuan (US$139) and the savings deposits of urban residents came to 3.345 billion yuan (US$403 million) in 1998. The issue of food and clothing of the majority of farmers and herdsmen has been resolved.

Before the peaceful liberation of Tibet, there were no modern hospitals in the region, epidemic diseases such as smallpox, cholera were prevalent. After peaceful liberation, and especially after the Democratic Reform, the central government took steps to prevent these and other diseases which seriously threatened the health of the people, and they were soon essentially under control. Since the 1960s, Tibet has wiped out smallpox and the incidence of several other epidemic and many local diseases has declined sharply. At present, hospitals and epidemic prevention clinics have been set up in every county of the Tibet Autonomous Region, and hospitals of traditional Tibetan Medicine and maternal and child care hospitals (clinics) have been built in some counties. More than 70 percent of the townships and 30 percent of the administrative villages in the region have established their hospitals and clinics. According to statistics, Tibet boasted over 1,300 medical establishments in 1998, 20 times as many as in 1959, and the number of hospital beds increased 17-fold to more than 6,700. There are now 2.3 beds and 3.57 doctors for every 1,000 Tibetan citizens, all above the national averages.

The improvement of medical and hygiene conditions in Tibet has effectively protected the Tibetan people's right to sufficient health care. At the same time, the Tibetan population has increased rapidly, by 1,233,600, or up nearly 200 percent, from 1959 to 1998, the highest growth rate in Tibet in this century. Last year, the birth rate of the region was 18.4 per 1,000, and the natural population growth rate was 10.9 per 1,000, much higher than the national average.

The old Tibet had no schools in the modern sense, and only some 2,000 monks and children of the nobility studied in old government and private schools. The enrolment rate among school-age children was less than 2 percent and the illiteracy rate was as high as 97 percent. The Tibetan people were deprived of the right to education. After the Democratic Reform in 1959, a modern multi-layer educational system, including preschools, primary and middle schools, as well as higher education, adult and secondary vocational and technical school education, was gradually established in Tibet. According to statistics, Tibet had 4,365 schools with an enrolment of more than 400,000 students by the end of 1998. The enrolment rate of primary school age children reached 81.3 percent, up nearly 80 percent over that of the old Tibet, and the illiteracy rate dropped by 47 percent. Education is free from primary school through university in Tibet, and primary schools in remote areas provide students with free clothing, room and board. These measures have effectively protected the Tibetan's right to education.

The social status of women has been greatly improved. The Tibetan women who emancipated themselves in the Democratic Reform have taken an active part in economic, social and cultural construction and have gradually realized their equality with men in social life. Statistics indicate that women account for 48.5 percent of those who have jobs in Tibet, and in rural and pastoral areas, women make up over 60 percent of the workforce. In urban areas, over two-thirds of the women above the age of 16 are employed. Enterprises and institutions in the Tibet Autonomous Region employ more than 15,000 women, or 39 percent of the total employees, and among professional personnel, 12,900 or 40.12 percent of the total are women. At the same time, educational conditions for Tibetan women have improved and the enrolment rate for girls has been increased from 45.43 percent in 1993 to 71.3 percent at present. The autonomous region has 1,206 women university students, 37.69 percent of the total number of college students.

The tremendous historical change in Tibet since the launching of

Democratic Reform in 1959 indicates that the abolition of the feudal serfdom system and the implementation of regional autonomy for ethnic groups are the basic reasons for the social development and earth-shaking improvements in human rights. Restricted by natural, historical and economic conditions, many aspects of human rights conditions in Tibet have yet to be improved. However, these will be constantly perfected, along with social and economic development, as long as Tibet adheres to the road of socialism with Chinese characteristics and the implementation of regional autonomy for ethnic groups.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/44
10 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 6 August 1999 from the Permanent Representative of China to the United Nations Office at Geneva addressed to the Chairman of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit herewith the Position Paper of the Chinese Government on the Outlawing of the Falun Gong Organization (see annex).

I would be grateful if you could have this letter and its annex* circulated as an official document under item 2 of the agenda of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights.

(Signed): QIAO ZONGHUAI
Ambassador
Permanent Representative

* The annex is reproduced as received, in English and Chinese only.

Annex

Position Paper of the Chinese Government on the Outlawing of the Falun Gong Organizations

1. This decision is based on ample evidence.

By taking advantage of the desire of the people to build up their health, Li Hongzhi, the ring leader of Falun Gong organizations, has concocted a hotchpotch of heresies and fallacies composed of plagiarized Qi Gong instructions and lots of superstitious ravings, which he has named the "Falun Dafa". He has peddled his preposterous fallacies that the earth will blow up and the doomsday is coming in an attempt to confuse and poison people's mind, and fool and deceive people. This set of absurdities and fallacies have made people confused and paranoid. As a result, many people have become psychotic, disabled, and suicidal (according to initial statistics, 915 people died as a result of practicing Falun Gong), or even killed their family members. And they would besiege and censure those who do not follow their fallacies. Recently, they have, for many times, surrounded media institutions, harassed government agencies, and caused traffic jams, seriously obstructing public order.

What Li Hongzhi and the Falun Gong organizations have done and the harms they have caused to the society are in many aspects similar to those of the Davidians cult in the U.S., the Aum Doomsday Cult in Japan and the People's Temple in some other countries. The decision by the relevant departments in China to outlaw them is perfectly right and therefore, it has obtained support from all quarters in the society and has been welcomed by the people.

2. This action is taken in strict compliance with law.

China is a country ruled by law and the Government of China protects the citizens' freedom of assembly according to law. At present, there are over 1,800 registered national social organizations, and 200,000 social groups above the county level, which have registered with the local civil affairs departments. Be it an individual or organization, one must fulfil one's obligations according to all countries to register assemblies. However, instead of registering itself according to law, the Falun Gong group has spared no efforts in conducting illegal activities. This is definitely impermissible.

The Chinese Government is also committed to promoting and protecting the freedom of religious belief and our law protects normal religious activities. But the Falun Gong is not a religion and the Falun Gong organizations have never claimed so.

3. The purpose of this action is to protect the rights and freedoms of the Chinese people.

The Chinese Government has always attached importance to human rights and

fundamental freedoms and respected international human rights instruments. While emphasizing rights and freedoms, international human rights instruments like the *Universal Declaration of Human Rights* and *the International Covenant on Civil and Political Rights* also have unambiguous provisions on the necessary restrictions on the exercise of certain rights, with a view to safeguarding state security, public security, public order and hygiene as well as the rights and freedoms of other people. Preaching absurdities and fallacies, the Falun Gong organizations have caused grave dangers and harms to the life of some people and the society in general. To outlaw such organizations will not at all infringe upon human rights or religious freedom. On the contrary, it is precisely designed to protect the human rights of all the people in the country, including those of Falun Gong victims.

4. This action is consistent with the practice of all the other countries in the world.

It is a common practice of all countries to outlaw social organizations which have not registered or which have engaged in illegal activities and to crack down on evil cults and organizations that endanger the society and public interests.

5. The relevant authorities of China have not taken any coercive action against the practitioners. Rather, they mainly used persuasion with them in the hope that they will extricate themselves from the predicament on their own accord. By now, most practitioners, having realized the true nature of Falun Gong, have repudiated the practice. The practitioners, as long as they voluntarily disengage from Falun Gong organizations and refrain from taking part in any of their activities, they will not be held accountable in any way.

Annex:

I. Li Hongzhi: The Man and His Deeds

1. Li Hongzhi, the founder of Falun Gong, is not the "highest Buddha" who brings salvation to suffering people, but an evil person who has an disastrous effect on society.

Li was born in the city of Gongzhuling in China's Jilin Province on July 7, 1952. He went to primary and junior high school in Changchun, the provincial capital, from 1960 to 1969. From 1970 to 1978, he worked on a People's Liberation Army stud farm and then as a trumpet player in a band. From 1978 to 1982, he worked as an attendant at a guesthouse. Li was discharged from military service in 1982 and went to work in the security department of the Changchun City Cereals and Oil Company. In 1991, he quit this job and began practicing "Qigong", a form of martial arts that combines meditation and breathing techniques and is believed to tap the practitioner's inner strength. In May 1992, Li started to teach Falun Gong.

In a resume he prepared in 1993, Li claimed that he has started learning a special form of Qigong in childhood from a Buddhist master, Quanyue, and completed his training at the age of eight, and that a Taoist immortal, Bai, discovered him when he was twelve and taught him Taoist practices. Then, in 1972, he learned the essence of Taoism from a master, Zhendaozi, and in 1974 started to study Buddhism from another Buddhist master until he entered public life. Li also claims that he has supernatural abilities such as the ability to move objects, control thinking, and make himself invisible and that he understands the truth of the universe and has insights into life and can see the past and future.

On September 24,1994, Li changed his date of birth from July 7, 1952 to May 13, 1951 and acquired a new ID card. On the Chinese lunar calendar, May 13 is the birthday of Sakyamuni, the founder of Buddhism, so by changing his birthday Li could pretend that he is a reincarnation of Sakyamuni.

However, Li's family members, relatives, neighbors, former schoolmates, teachers, and fellow servicemen say that they believe Li is just an ordinary person and that his so-called Qigong learning and miraculous abilities were "nonsense"or "impossible" or something they had never seen. His only talent in childhood, many said, was the ability to play the trumpet.

Li actually did not start learning Qigong until 1988, under a master named Li Weidong, with whom he studied Chanmi Gong. He then went on to study Jiugongbagua Gong from another master, Yu Guangsheng. Using these two forms of Qigong, with some movements from Thai dance that he got from a visit to Thailand thrown in , he came up with Falun Gong. Li's resume consists of nothing but fabrication and outrageous lies.

2. The Research Society of Falun Dafa is an illegal organization with no official registration status, but with a tight system.

After founding Falun Gong in 1992, Li established the Research Society of Falun Dafa in Beijing and made himself president. Following that, he set up 39 Falun Gong teaching centers in various provinces, autonomous regions And municipalities in China, which in turn had more than 1,900 places of instruction and more than 28,000 group exercise areas.

The Research Society of Falun Dafa manages all affairs of the teaching centers and rules on the setup of any Falun Gong organizations, with the power to appoint or remove their major leaders. Li and the research society also make rules and regulations for all Falun Gong activities.

Since May this year, Falun Gong practitioners in China have received instructions from Li, who is living abroad, in the form of "scriptures". Because of the Falun Gong organization, instructions spread very fast and have an evil influence on a large number

of people.

The Research Society of Falun Dafa and general instruction stations organize large-scale activities to "spread the Falun word and to exchange experiences and hold various celebrations and commemoration ceremonies." On several occasions, when they were dissatisfied with news reports and articles that exposed the dark secrets of Falun Gong or when government departments banned books and audio-video products preaching the Falun word, they instigated their members to besiege some news organizations, publishers, or Party and government departments, disrupting the normal work and social order and undermining social stability.

3. Li's so called ignorance of the "4.25" incident was nothing but a lie.

On April 25, more than 10,000 Falun Gong practitioners gathered outside Zhongnanhai, the government compounds in Beijing, seriously disrupting public order, with a malignant effect. Li told foreign correspondents that he has known nothing about it in advance and that he was on his way from the United States to Australia at the time. He said that he didn't learn about the incident until he was in Brisbane.

However, it has been proven that Li was in Beijing the day before the incident. On April 19, *Teenager Science-Technology Outlook*, a Tianjin Normal University magazine, carried an article entitled "I'm Opposed to Qigong Practice by Teenagers" by Professor He Zuoxiu of the Chinese Academy of Sciences. Some Falun Gong practitioners in Tianjin took offense at the article and staged a silent protest at the university. By April 22, there were more than 3,000 of them.

Li flew back to China on Northwest Airlines Flight 087, entering Beijing at 5:35 p.m. on April 22, then, after a stay of 44 hours, left in a hurry for Hong Kong at 1:30 p.m. on April 24 on Air China Flight 109.

On April 23, the day after he entered China, the number of Falun Gong practitioners at Tianjin Normal University swelled to more than 6,300. By the morning of April 24, while Li was still in Beijing, Falun group exercise sites around Beijing had received notices that practitioners were to go to Zhongnanhai for a "group exercise."

By the time more than 10,000 exercisers showed up at Zhongnanhai on April 25, Li was in Hong Kong. He didn't leave Hong Kong for Brisbane until 10:15 p.m. on April 27.

4. In spreading the Falun Gong word, Li cast himself up as the "highest Buddha" who has transcended all secular desires. But, in real life he displays an enormous greed.

In the early years of "spreading Falun Gong," Li attracted followers by supposedly curing their ailments and helping them improve their health. There was a special

"donation box" at his home and he instructed with a hint his assistants to tell every patient to donate at least RMB 100 yuan (US$12) for each visit.

Li also collected a large amount of money from training classes. From 1993 to 1994, he was reported to have earned 428,300 yuan (US $ 51,600) in Changchun from teaching Falun exercises and from book sales. At the same time, he earned another 789,000 (US $ 95,060) in other parts of China from classes.

Li also publishes a large number of books, cassette tapes, video tapes, and video CDs with his teachings and sells them to Falun Gong practitioners for 300 yuan (US $ 37) a set. He has encouraged people to believe that his photo and "Falun emblems" with his image can have a "miraculous and inspirational effect" and encourages people to buy them.

In recent years, he has come up with new Falun products like special clothing and cushions for Falun Gong practitioners and has reissued his books in a deluxe edition that sells at a higher price.

Investigators have found that Li has several luxury houses and limousines in Beijing and Changchun in his relatives names and, through the Falun Gong, he has got a large fortune on which he has not paid taxes.

5. Li is not bringing salvation to practitioners, but is in fact leading them to a dasastrous and miserable end, and Falun Gong is doing enormous harm to both mental and physical health of people.

In his book Zhuan Falun (Turn the Wheel of Law) and in several of his "sermons", Li has said that there is a white material called "de" (morality) with an opposite side that is dark, called "ye" (evil). By practicing Falun Gong, he says, people can be helped by the Falun (Wheel of Law) and improve their "de" and reduce the "ye" force and purify their bodies and achieve enlightenment and immortality. Practitioners can ultimately attain "salvation and reach the heavenly kingdom," or paradise.

Li also speaks of karma, or predetermination, and says that illness and other suffering is "retribution for evil deeds one has done in the past or in a past life, and that by enduring this suffering one can repay his or her evil debt." He says that anyone who believes in and practices Falun Gong doesn' t need to take medicine to cure disease.

Li has criticized people who try to persuade others not to practice Falun Gong, calling them "demons" and saying that they have harmed the Falun Dafa and have prevented people from attaining "salvation".

As a result of Li' s malicious fallacies and deceptive behavior, some Falun Gong

practitioners have refused to go to hospital or take medicine for their diseases, and some have lost their lives because of lack of treatment, and some became paranoid. A number of people jumped into rivers or off buildings, or killed themselves in other ways. Some even cruelly injured or killed relatives and friends.

According to initial statistics, two madhouses alone in Beijing received six patients who became lunatic due to practice of Falun Gong in 1996. The number of such patients increased to 10 in 1997, 22 in 1998, and 16 during the first half of 1999. And altogether 915 people died as a result of practicing Falun Gong.

II. Analysis of Falun Gong Leader's Malicious Fallacies

Falun Gong headed by Li Hongzhi, has a set of ridiculous ideas, a basic one of which claims that doomsday is coming, that human beings will be extinct soon, that modern science can do nothing to prevent the catastrophe, that only Falun Gong can save the mankind, and that Li Hongzhi is the sole "savior".

Because of this doomsday prediction, Li ordered his followers to concentrate on their Falun Gong and forbid them to hold any other belief. Human civilization has experienced at least 81 periodic changes, he says, and society is now deteriorating and if this trend continues, it will be exterminated.

Anyone with any sense can find that during different periods of human history there have been certain social problems, big and small, and that civilization is still evolving in the course of the problems being solved one after another.

Therefore, Li's doomsday idea denies the truth of the existing world and it has created strong anti-government and anti-social sentiments. Its true purpose is to win public support for his wicked political ambitions.

That government is useless is another of Li's ideas, one to make Falun Gong the ruling ideology in the world and to allow him to seize power that "overruns the government and the law." Social problems have been emerging, he said, and no government can solve them. And, because neither the government nor the law can solve social problems, he should be the rightful ruler.

He has renounced modern science and said the world should listen to him, otherwise everything will be lost.

Li said that Falun Dafa is the only grand theory that can save the mankind and is the most profound and superb of all sciences and philosophies and a ladder for people to ascend to heaven.

Li has held up a banner of "Truthfulness, Benevolence and Tolerance " but cannot stand any criticism or alternative views. Whenever Falun Gong is criticized, he gets his followers to create a disturbance. Their attacks by gathering outside media organizations' office buildings in 1998 and outside the headquarters of the Tianjin Municipal Committee of the Communist Party of China and Zhongnanhai, the compound of the central Party and government organs, in Beijing in April this year can in no way be considered tolerant.

Li said that to practice Falun Gong well, people must make a clean break with other ideas and cannot mention what they learned before and are forbidden to use what they feel, see or know, or the doctrines of other sects, otherwise, they will learn a false grand theory and damage the grand theory.

By spreading these fallacious ideas Li has actually signed a life-and -death contract with his followers, who have to obey all his instructions and depend on him for everything. He forbids them to read other books or learn other theories and deprives them of the ability to choose between right and wrong.

With these means and the tight controls of the highly organized group, Li forces practitioners to follow his fallacious ideas. He has also borrowed Buddhist doctrines to deify himself and claims that he possesses the "body of law" and can install "the wheel of law" in practitioners and give them extrasensory perception.

Some followers were deceived by this and began to look for supernatural powers and many have become psychopathic. In 1997 and 1998 a fifth of the patients in the psychopath ward of a hospital were Falun Gong practitioners.

Li usually belittles great scientists like Charles Darwin and Issac Newton, although he himself is just a junior middle school graduate who doesn't know the difference between organism and minerals. He said that he is the only person who can explain the mysteries of the universe and that the earth is nothing but a garbage dump. He also says that man was created by gods and life and death and disease are debts acquired in previous lives.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/45
13 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Protection and
Promotion of Human Rights
Fifty-first session
Agenda item 10 (b)

FREEDOM OF MOVEMENT

HUMAN RIGHTS AND POPULATION DISPLACEMENTS

Note by the secretariat

1. In a letter dated 12 August 1999, the Permanent Representative of Armenia to the United Nations Office at Geneva requested the Chairman of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights to make available document E/CN.4/Sub.2/1997/47 to the members and observer delegations at the Sub-Commission during the consideration of its agenda item 10 (b).

2. In accordance with this request, document E/CN.4/Sub.2/1997/47 will be circulated under item 10 (b) of the agenda of the present session of the Sub-Commission.

GE.99-14737 (E)

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/46
17 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 16 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on the Promotion and Protection of Human Rights

I am addressing you in regard to the speech delivered by the representative of the Republic of Albania at the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights, on 4 August 1999.

We note once again that the Republic of Albania, through its representatives, continues, in this address too, its action aimed at violating the sovereignty and territorial integrity of the Federal Republic of Yugoslavia. Well-known are the Greater-Albania aspirations and direct assistance provided to terrorists and their terrorist activities in the Republic of Serbia's province of Kosovo and Metohija. All of these are contrary to the fundamental principles of the Charter of the United Nations and international law.

Other evidence of such an attitude is the direct engagement and assistance given to NATO during the aggression against the Federal Rep Yugoslavia. The aim of Albania is to separate a part of the territory sovereign Federal Republic of Yugoslavia by means of NATO aggression a support by terrorists of the so-called KLA.

These facts testify to the destructive policy led by Albania in region. Such a policy directly threatens peace and security in south- Europe and legalizes terrorism as an instrument for achieving politica

I would like, Excellency, to ask you to have this letter publish circulated as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under i the agenda.

(Signed): Branko BRANKOVIC
Ambassador
Chargé d'affaires a.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/47
25 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 1 (c)

ORGANIZATION OF WORK: METHODS OF WORK OF THE SUB-COMMISSION

Common position of the Sub-Commission on the Promotion and Protection of Human Rights on future tasks, length of sessions, working methods, composition and election of members

Note by the Chairman

Introduction

1. At its fifty-first session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having been renamed by the Commission on Human Rights the Sub-Commission on the Promotion and Protection of Human Rights, as proposed in recommendation 12 (a) of the Bureau of the fifty-fourth session of the Commission (see E/CN.4/1999/104), held a thorough discussion of its future functions and the consequences this should have for its working time, its methods of work, its composition and the election of its members. The conclusions set out below were reached unanimously, unless otherwise specified. Reference is also made to the summary records of its 21st meeting, held on 18 August 1999 (E/CN.4/Sub.2/1999/SR.21) including the statement made by Mr. Marc Bossuyt on that occasion.

2. In its discussions the Sub-Commission took into account the recommendations made by the Bureau of the fifty-fourth session (1998) of the Commission regarding the rationalization of the work of the Commission and the Sub-Commission (E/CN.4/1999/104), the Sub-Commission's own review at its fiftieth session of its mechanisms intended to enhance its effectiveness (E/CN.4/Sub.2/1999/38), the observations made by the "like-minded States" to the recommendations of the Bureau (E/CN.4/1999/120, annex) and the position paper of the Asian group (E/CN.4/1999/124, annex).

A. Substantive tasks

3. In the light of its broad mandate and recognizing its primary function as a "think-tank", the Sub-Commission should have the possibility and the necessary conditions to enable it to deal with the major issues on the human rights agenda as it unfolds at the beginning of the next century, as requested by the Commission (see Bureau recommendation 12 (d)) and based on its own recommendations to the Commission. Taking into account that the process of standard-setting is nearly complete and that the main task in the future is to assist in finding ways to ensure that all established human rights are enjoyed by all, the major issues to be addressed by the Sub-Commission include the following:

(a) The administration of justice (arbitrary detention, impunity, derogation, emergency, independence of judges, etc.), especially with regard to implementation of standards in this field;

(b) The establishment of a social forum to facilitate more comprehensive and effective acts on economic, social and cultural rights;

(c) Examination of the impact of globalization, including the methods and activities of transnational corporations and their relationship to the implementation by Governments of human rights, the human rights implications of structural adjustment and the right to development;

(d) Prevention of discrimination and the promotion and protection of the rights of minorities and peoples, including indigenous peoples;

(e) Prevention of discrimination against migrants and other non-citizens.

B. Functions and methods of work

4. Improvement of cooperation with other human rights bodies. Broader and systematic consultation with other United Nations and regional human rights bodies should be ensured.

5. Improvement in the programme of studies: selection, preparation and examination. The Sub-Commission has now undertaken a reform of its programme of studies and endorses the recommendations made by the Commission and its Bureau (recommendation 12 (d)) on this subject. The subjects of studies will be chosen to meet the needs of the Commission and the treaty bodies and to explore core issues on the human rights agenda at the beginning of the new century. One type of study would examine obstacles to the implementation of human rights and ways to overcome them; a second type would identify situations or phenomena, existing or developing, with serious actual or potential implications for human rights, in order to obtain the knowledge required to propose appropriate responses. The revisions to the programme of studies are set out in the Guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council, finalized at its fifty-first session in 1999 (E/CN.4/Sub.2/1999/22, annex).

6. Country situations. Several members of the Sub-Commission favoured the proposal of the Bureau (recommendation 12 (e) (i)) that instead of country specific resolutions the outcome of the annual debate of the Sub-Commission on human rights violations in all parts of the world should be a summary for submission to the Commission. One member preferred that the annual debate on country situations be abolished, but if it was retained, country specific resolutions were preferable. Other members argued that the Sub-Commission should become more even-handed in identifying situations to be the subject of resolutions. The majority suggested that the Sub-Commission should continue to apply its expertise to country situations not under consideration at the Commission on Human Rights by adopting country-specific or thematic resolutions, decisions or statements by the Chair. The Sub-Commission should use such authority with restraint, however. In that context it should seek dialogue and cooperation with Governments, giving preference to the prevention of human rights violations, and ensure objectivity in the choice of situations addressed.

7. Resolutions and decisions under other agenda items. The Sub-Commission assumes that the recommendation by the Bureau to avoid resolutions related only to the agenda item on violations in any country, and was not intended to recommend the abolition of resolutions and decisions under other agenda items.

8. 1503 procedure. The Sub-Commission is of the opinion that the 1503 procedure should be maintained in its current four-stage form, but that there is room for improvement. The Sub-Commission agrees with the views put forward by the Working Group on Communications in document E/CN.4/Sub.2/AC.1/1999/CRP.1, which is annexed to the present document (annex I).

9. Working groups. The Sub-Commission endorses Bureau recommendation 12 (e) (ii) that the inter-sessional Working Group on Minorities should continue and that the Working Group on Indigenous Populations should continue until such time as the permanent forum for indigenous people within the United Nations has been established. The Sub-Commission does not, however, endorse the proposal that the Working Group on Contemporary Forms of Slavery should be terminated. That would eliminate a useful forum for non-governmental organizations committed to the prevention or abolition of some human rights violations of considerable contemporary significance and seriousness.

C. Sessions, composition and election of members

10. Length of sessions. The Sub-Commission cannot endorse the Bureau's recommendation that it should meet for two weeks only. It would be impossible to accomplish the substantial tasks involved in its mandate with the necessary quality unless it met for four weeks.

11. Number of members. The Sub-Commission unanimously holds that the number of members should not be reduced below 26. This is required in order to maintain the diversity in expertise and ensure participation from different cultures, traditions and subregions.

12. Election of members. The Sub-Commission unanimously holds that its members should not be nominated but elected. This is a more democratic approach.

13. Number of terms. There is no consensus within the Sub-Commission on whether there should be a restriction on the number of terms a member could serve. There was consensus, however, that if restrictions were to be applied, eight years would be too short.

14. Concurrent employment in the executive branch of Government. The Sub-Commission is of the view that it is not up to the Sub-Commission to take a position on the Bureau's proposal that the members of the Sub-Commission should not be employed concurrently in the executive branch of their Government.

15. Alternates. The Sub-Commission unanimously holds that the system of alternates should be maintained. It is of no cost to the United Nations and has a number of benefits, including increasing the number of specialists who become closely connected with and informed about the human rights work of the United Nations.

16. Taking into account the statement by the Bureau in observation 27 that "the cost of [the Sub-Commission's] annual session [is] higher than that of the Commission itself", the Sub-Commission refers to the table annexed to the present paper (annex II) setting out a comparison of the total annual costs of the sessions of the Commission, the Sub-Commission, the Human Rights Committee and the Committee on the Rights of the Child, information provided by the Office of the High Commissioner for Human Rights.

17. The Sub-Commission considers it necessary to be represented at the inter-sessional working group on the enhancement of the mechanisms of the Commission on Human Rights.

Annex I

Summary of informal discussions by the Working Group on Communications on the recommendation concerning the 1503 procedure contained in the report of the Bureau of the fifty-fourth session of the Commission on Human Rights

Introduction

1. On 27 July 1999, the Working Group on Communications held informal discussions on the recommendation II of the Bureau of the fifty-fourth session of the Commission on Human Rights concerning the 1503 procedure.

2. The Working Group had before it chapter III of the report of the Bureau of the fifty-fourth session of the Commission on Human Rights submitted pursuant to Commission decision 1998/112 (E/CN.4/1999/104) concerning the procedure established under Economic and Social Council resolution 1503 (XLVIII), and documents E/CN.4/1999/120 and E/CN.4/1999/124. The Working Group was also aware of the decision of the Economic and Social Council of 27 July 1999 initiating a year-long review of the mechanisms of the Commission, including the 1503 procedure, and of the need for the Sub-Commission and the Working Group to contribute to the deliberations on the subject.

3. The members of the Working Group considered that that body, which had met for 27 years, had the practical expertise and knowledge to comment on the proposals aimed at improving the 1503 procedure and that the outcome of its discussion should be brought to the attention of its parent body, the Sub-Commission.

4. This paper identifies common views, includes suggestions for improvements and summarizes other common observations.

Common views

5. The members of the Working Group considered that recommendation 11 of the Bureau would not improve the functioning of the 1503 procedure and might actually diminish its effectiveness.

6. The reasons invoked were the following:

(i) Recommendation 11 should more fully reflect the fact that the Working Group on Communications and the Sub-Commission have considerable experience in dealing with thousands of communications and many replies of Governments, and in identifying those situations which constitute a consistent pattern of gross and reliably attested violations of human rights for transmission to the Commission;

(ii) The Sub-Commission and its Working Group are comprised of individuals who are selected by a democratic process and who have a proven record of responding independently and with expertise to 1503 communications. Recommendation 11 would place almost

complete authority in the hands of a small committee selected by the Chairperson of the Commission, which might lack the diversity, expertise and independence of the members of the Working Group on Communications and the Sub-Commission.

(iii) Recommendation 11 has four steps: step 1, the Committee on Situations meets in September; step 2, the Committee meets again in January; step 3, the Commission meets at the beginning of its session to undertake a dialogue with the Governments concerned; and step 4, the Commission makes its decision on a course of action. The current procedure also has four stages and the above recommendation does not seem to simplify the process.

7. Regarding proposals made in documents E/CN.4/1999/120 and 124, in particular the proposal to request an additional meeting of the Working Group in order to screen communications, members of the Working Group considered that such an additional meeting would delay the process for a further year and it would not be easy to decide which communications to send to Governments without having the benefit of government replies. At the same time, they acknowledged that Governments should not be sent frivolous communications undeserving of their attention.

8. Members underlined that they needed the benefit of government replies in order to decide whether to transmit communications to the Sub-Commission. In this connection, members underlined that more than 80 per cent of communications received replies from Governments and that there had been a considerable increase in governmental cooperation in the process over the past several years.

9. Members agreed that the time-frame of the current procedure was lengthy. However, the Working Group recognized its value because Governments were given a minimum of 12 weeks to respond to communications and then, between the Sub-Commission and the Commission, had an opportunity to furnish informative and substantial replies and observations. Those delays were helpful in that they gave Governments the opportunity not only to respond, but also to consider ameliorative action.

10. The Working Group was of the opinion that the Bureau's criticism of the Commission's deliberations as being frequently devoid of either serious substantive consideration of the human rights issues or of genuine constructive dialogue might be well founded, but could not be attributed to the Sub-Commission or its Working Group.

Suggestions for improvement

11. The following suggestions were put forward:

(i) Recognizing that it is the principal responsibility of the Working Group to review communications, the Working Group on Communications may authorize the Chairman/Rapporteur to determine whether any of the communications received are so clearly lacking in merit that no government reply is required and if the Chairman/Rapporteur so determines, he/she may instruct the

secretariat that it is not necessary to forward communications to the Government. Any such exercise of authority is to be reported to the Working Group at its session and to be reviewed regularly;

(ii) The Working Group may submit questions to the authors of communications requesting further information;

(iii) Convinced that the Working Group and the Sub-Commission have initiated fruitful dialogue with Governments by informing them of the reasons for keeping communications pending, the Working Group suggests that this existing practice be formally authorized.

Other common observations

12. It was acknowledged that the Working Group on Communications and the Working Group on Situations have on occasion consulted or referred to material contained in United Nations documents and that the suggestion from the Bureau contained in recommendation 11 to authorize the examination of "any additional relevant information from other United Nations sources" deserved further consideration.

13. It was mentioned that the proposal that the Commission Chair should not only announce the names of the country considered but also the main issues of concern also merited further thought.

Annex II

HUMAN RIGHTS MACHINERY - COMPARATIVE MEETING COSTS

(Commission on Human Rights, Sub-Commission, Human Rights Committee, Committee on the Rights of the Child)

Section 22 "Human rights" (travel and daily subsistence allowance)

Account description	1998 (committed)	1999 (estimated)	Total
Commission on Human Rights	80 032	54 000	134 032
Sub-Commission	308 871	341 845	650 716
Human Rights Committee	541 041	482 400	1 023 441
Committee on the Rights of the Child	276 122	459 200	735 322

Section 27 E "Conference services" (meeting services)

Account description	1998 (estimated) a/	1999 (estimated) a/	Total
Commission on Human Rights	5 954 127	6 013 668	11 967 795
Sub-Commission	1 856 051	1 874 612	3 730 663
Human Rights Committee b/	2 809 185	2 837 277	5 646 462
Committee on the Rights of the Child b/	3 705 039	3 742 089	7 447 128

Total

Account description	1998	1999	Total
Commission on Human Rights	6 034 159	6 067 668	12 101 827
Sub-Commission	2 164 922	2 216 457	4 381 379
Human Rights Committee	3 350 226	3 319 677	6 669 903
Committee on the Rights of the Child	3 981 161	4 201 289	8 182 450

a/: data provided by UNOG Budget Section.
b/: Three meetings annually.

UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1999/48
24 August 1999

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-first session
Agenda item 12 (d) (i)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

OTHER NEW DEVELOPMENTS

ADVERSE CONSEQUENCES OF THE TRANSFER OF ARMS AND ILLICIT TRAFFICKING IN ARMS ON THE ENJOYMENT OF HUMAN RIGHTS

Letter dated 23 August 1999 from the Chargé d'affaires a.i. of the Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on the Promotion and Protection of Human Rights

I have the honour to transmit, enclosed herewith,* an aide memoire on the use of inhumane weapons in the aggression of the North Atlantic Treaty Organization against the Federal Republic of Yugoslavia. I would like to ask you to have it circulated as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 12 (d) (i).

(Signed): Branko Brankovic
Ambassador
Chargé d'affaires a.i.

---

* The annex is reproduced as received, in the language of submission only.

Annex

AIDE MEMOIRE

ON THE USE OF INHUMANE WEAPONS IN THE AGGRESSION OF THE NORTH ATLANTIC TREATY ORGANIZATION AGAINST THE FEDERAL REPUBLIC OF YUGOSLAVIA

In its aggression against the Federal Republic of Yugoslavia, the North Atlantic Treaty Organization (NATO) has been using banned military means and weapons such as the use of cluster bombs and depleted uranium. These weapons are damaging and threatening to the life and health of the people and the consequences of their use are incomparably more inhumane and dangerous than those of the use of conventional arms.

In the period between 25 March and 15 May 1999, over 60 containers, each with 240 cluster bombs (i.e. over 15 000 bombs), as well as more than 400 cluster bombs, have been dropped over the territory of the Federal Republic of Yugoslavia. About 40 containers and over 250 cluster bombs have been dropped over Kosovo and Metohija, killing about 200 and wounding over 450 people. Material damage has been enormous: entire housing estates have been destroyed, as well as schools and hospitals, industrial plants and communication infrastructure. Dozens of people, primarily children, have been killed and wounded as a consequence of the delayed effect of the cluster bombs and new human casualties and destruction can be expected from the remaining unexploded bombs.

The Institute of Nuclear Studies at Vinca, Belgrade, has surveyed the remnants of exploded bombs and positively established the presence of uranium in the ammunition. The inhumane and banned ammunition is most often used in Kosovo and Metohija which has been confirmed also by NATO representatives themselves. They said in their statements that A-10 planes are used in the aggression against the Federal Republic of Yugoslavia, whose payloads contained also the so-called depleted uranium ammunition.

In its aggression against the Federal Republic of Yugoslavia, NATO has also been using missiles with graphite-electromagnetic material. So far they were used on 2, 8, 13 and 14 May 1999 against the distribution stations of the power plants at Obrenovac and Kostolac, at Novi Sad, Nis and Bajina Basta and against power installations at Lajkovac, Resnik, Lestane and the Belgrade city section of Bezanijska Kosa.

According to the information available to the competent Yugoslav authorities, the cluster bombs have been used in the following instances:

1. On 28 March 1999 at 4.10 a.m. 4 missiles and 1 cluster bomb struck land targets in Prizren, causing fires and damaging a number of civilian facilities;

2. On 28 March 1999 at 4.10 a.m. an aerial cluster bomb hit the League of Prizren memorial building near the Town Hall. The building was demolished and the windows on the adjacent buildings were broken. Cluster bomb remnants were found during investigation;

3. On 28 March 1999 at 5.00 and 8.30 p.m. cluster bombs were used against targets in Nis, causing vast material damage;

4. On 28 March 1999 at 9.00 p.m. a cluster bomb was used against targets in Sombor, causing vast material damage;

5. On 31 March 1999 at 1.15 a.m. over 30 cluster bombs were dropped on Pristina, causing vast destruction and material damage. 10 bombs did not explode;

6. On 31 March 1999 at 1.15 a.m. 14 containers with 240 cluster bombs were used against targets in the vicinity of the village of Gracanica, causing vast material damage. At the same time, a number of cluster bombs were used against targets in the village of Ljiljane;

7. On 2 April at 10.00 a.m. the area of Stari trg near Kosovska Mitrovica was attacked with cluster bombs. The local mine facilities, as well as a number of family houses were damaged;

8. On 5 and 15 April 1999 a number of cluster bombs were dropped in the area of Podgorica, causing substantial material damage.

9. On 6 April 1999 between 1.00 and 2.00 p.m. cluster bombs were dropped on the buildings of the construction firm "Ramiz Sadiku" in the village of Pirane near Prizren, causing damage to the buildings and the access road about 30 m long;

10. On 6 April 1999 at 8.45 p.m. civilian buildings were struck with cluster bombs at Dubinje in the vicinity of Sjenica causing substantial damage to the management building of the agricultural complex "Pester", as well as to the dairy, workers' accommodation facilities and a number of auxiliary and

apartment buildings and motor vehicles. Telephone, power and water supply lines were hit, cutting water and power supply and telephone service.

11. On 7 April 1999 at 11.30 a.m. 4 aerial cluster bombs were dropped on the village of Mala Krusa, municipality of Prizren, causing substantial damage to private houses and apartment buildings.

12. On 8 April 1999 at 2.30 p.m. 2 aerial cluster bombs were dropped on the village of Velika Hoca, municipality of Gratanjac. 3 people were gravely and 3 lightly wounded, while vast material damage was caused to 29 family houses.

13. On 8 April 1999 at about 11.15 a.m. two cluster bombs were dropped near the building of "Ljubizda" in Prizren. One of them hit the dyes and pharmaceuticals plant "Limit Duga". The plant was destroyed and 2 people were gravely and 1 lightly wounded. The other bomb hit the agricultural complex "Progres" and four family houses. 9 people were gravely and 6 lightly wounded and vast material damage was caused.

14. On 10 April 1999 at 11.55 p.m. targets in the village of Merdare, municipality of Kursumlija, were struck with 32 missiles and 8 containers with 240 cluster bombs each (1 920 cluster bombs in all). 8 people were killed and 3 wounded, one of them a 6-month pregnant woman. A road and part of the railroad (now out of commission) have been damaged as well as adjacent family houses. A number of cluster bombs remained unexploded along the road.

15. On 11 April 1999, 42 missiles and a number of cluster bombs were dropped in the vicinity of the Prokuplje-Podujevo highway. The highway, part of the railroad and the adjacent houses were damaged, while a number of unexploded cluster bombs remained along the highway which caused prolonged traffic stoppages.

16. On 11 April 1999 at 2.30 a.m. a number of cluster bombs were dropped near the villages of Merdare and Mirovci, near Podujevo, causing vast material damage.

17. On 12 April 1999 at 1.30 a.m. a number of cluster bombs were dropped on the village of Bare, municipality of Kraljevo, causing damage to 8 housing buildings and the carriageway to the Kraljevo-Raska highway.

18. On 12 April 1999 between 10.00 and 11.30 a.m. targets in Grdelica were struck with 8 missiles and 3 cluster bombs. Vast material damage was caused, including the damage to the workers' "Standard".

19. On 12 April 1999 at 12.00 noon, 1.15 and 1.30 p.m. targets at Suva Reka, municipality of Prizren, were struck with 6 cluster bombs, one of them destroying a meadow, while another fell in the nearby field.

20. On 12 April 1999 at 5.00 p.m. the "Efendi Bridge" at the Djakovica-Ponosevac road was struck and substantially damaged. A box with 15 unexploded cluster bombs was found nearby;

21. On 12 April 1999 at 6.30 p.m. the Djakovica- Klina road at the exit from Djakovica was struck with cluster bombs. Several people were killed and wounded;

22. On 13 April 1999 at 0.40 a.m. 4 missiles hit Hotel "Baciste" at Mt. Kopaonik. The entire hotel complex and 5 "Bacija" facilities were demolished in the ensuant fire, while 1 person was lightly wounded. Prior to the missile raid, more than 100 cluster bombs were dropped in front of the hotel. 2 buses and 1 freight vehicle were destroyed.

The building of hotel "Putnik" was also substantially damaged;

On 15 April 1999 at 2.20 p.m. 1 person was killed in the cluster bomb destruction operation near hotel "Baciste";

23. On 14 April 1999 at 2.05 p.m. targets around the Moravica river bridge at the village of Levosoja, municipality of Bujanovac, were struck with cluster bombs. 2 people were lightly wounded and substantial material damage was caused;

24. On 14 April 1999 at 1.30 a.m. a container with 240 cluster bombs was dropped on the village of Ravniste, municipality of Brus, most of which exploded. 1 person was gravely wounded in the operation of the destruction of unexploded bombs;

25. On 14 April 1999 at 12.00 noon land targets in Urosevac were struck with 2 containers of cluster bombs;

26. On 14 April 1999 at 2.25 p.m. the area of the municipality of Vranje was struck with cluster bombs, hitting housing buildings in the village of Pavlovac. Several people were killed and gravely wounded. Vast material damage was caused to housing buildings and to the bridge on the Presevo-Vranje motorway. Civilian facilities along the motorway were also damaged;

27. On 15 April 1999 from 2.30 to 2.50 a.m. a container with cluster bombs was dropped in the area of the village of Semalio, municipality of Kraljevo, causing substantial material damage;

28. On 15 April 1999 from 12.00 noon to 2.30 p.m. two raids were carried out with cluster bombs against targets in the village of Raljan, municipality of Presevo, on which occasion 8 people were killed.

29. On 15 April 1999 at 5.00 p.m. 1 person was gravely wounded by an unexploded cluster bomb in the village of Bela Palje, municipality of Dec.

30. On 16 April 1999 at 2.00 p.m. targets in the region of the village of Grlica, municipality of Urosevac, were struck with 3 missiles and a container of cluster bombs, on which occasion 1 person was wounded.

31. On 17 April 1999 at 3.30 p.m. 5 missiles and a container of cluster bombs were dropped in the region of the village of Kamena Glava, municipality of Urosevac, causing substantial material damage.

32. On 18 April 1999 2 people were killed and 1 person gravely wounded in the region of the village of Kamena Glava, municipality of Urosevac, as a consequence of the explosion of unexploded cluster bombs.

33. On 19 April 1999 at 10.15 a.m. targets near a farm aircraft airport and a transmitter in the region of the village of Grlica, municipality of Urosevac, were struck with a number of missiles and a container of cluster bombs.

34. On 22 April 1999 at about 12.00 noon a container of unexploded cluster bombs was found in the village of Drenova, Gornji Milanovac.

35. On 22 April 1999 at 5.50 p.m. a container of cluster bombs was dropped in the region of the village of Bapsko Polje, municipality of Kraljevo, hitting a number of civilian targets.

36. On 24 April 1999 at 11.30 a.m. a container of cluster bombs was dropped on the "Kodza" section of the village of Doganovic, municipality of Kacanik, killing 5 and gravely wounding 2 people.

37. On 25 April 1999 at about 12.00 noon remnants of a cluster bomb container were found in the area of "Bumbarevo brdo" in the region of Knic.

38. On 26 April 1999 at 12.15 p.m. a cluster bomb container was dropped in the region of the village of Dulje, municipality of Suva Reka.

39. On 27 April 1999 unexploded cluster bombs were found in the village of Bistrica, municipality of Nova Varos.

40. On 27 April 1999 at about 3.00 p.m. a container with cluster bombs was dropped in the region of the village of Zur, municipality of Prizren. It hit a power transmission line and damaged several pylons, creating a number of craters spread over the distance of some 700 metres.

41. On 30 April 1999 between 9.05 and 9.15 p.m. a cluster bomb container was dropped in the region of the village of Gare, municipality of Gadzin Han.

creating a crater in the vicinity of which a number of unexploded cluster bombs were found.

47. On 2 May 1999 at about 9.30 a.m. a cluster bomb container was dropped on the town park at Obrinje.

48. On 2 May 1999 at about 11.45 a.m. a cluster bomb container was dropped on the village of Klecka on the Orahovac-Mirosalji road. The bombs landed also on the adjacent fields and meadows in the area of Obrinje, creating about 100 craters 20 cm in diameter and about 50 cm deep. A number of people were wounded.

49. On 2 May 1999 at about 10.30 a.m. 3 and at 3.45 p.m. 7 cluster bombs were dropped on the village of Petric, municipality of Istok, hitting a number of family houses, while 1 cluster bomb was dropped on the "Djuka," section of the village of Korenica.

50. On 2 May 1999 at 11.45 and 11.50 2 cluster bomb containers were dropped on Donjegevac, municipality of Djakovica. A number of people were gravely wounded and two passenger cars and several family houses were damaged.

51. On 2 May 1999 at 1.30 p.m. a cluster bomb container was dropped in the region of the village of Ljug Kunar, municipality of Djakovica, damaging the Djakovica-Klina highway. Substantial material damage was done to the "Matas Petrol" gas station.

52. On 2 May 1999 at 1.20 p.m. A cluster bomb container was dropped in the region of the village of Trakanic, municipality of Djakovica, causing grave injuries to a large number of people.

53. On 2 May 1999 two cluster bombs were dropped on the facilities of Spa Kursumlija.

54. On 2 May 1999 at 8.07 and 9.00 a.m. and 2.00 and 4.30 p.m. 2 missiles and 2 cluster bombs were dropped in the region of the village of Duljv, municipality of Sura Reka.

55. On 3 May 1999 between 9.00 a.m. and 9.00 p.m. cluster bombs were dropped in the area of the village of Merdare, municipality of Kursumlija, causing substantial damage in the area.

56. On 3 May 1999 between 11.30 a.m. and 12.00 noon 13 cluster bombs were dropped in the Rugovska Gorge, municipality of Pec, causing substantial material damage.

52. On 3 May 1999 between 11.00 a.m. and 12.00 noon a number of cluster bombs were dropped in the region of the villages of Veliki and Mali Stupelj, destroying a primary school building.

53. On 3 May 1999 between 11.45 a.m. and 1.30 p.m. 3 cruise missiles and a number of cluster bombs were dropped on the Pec-Kula Rozaje highway in the region of Savine Vode, hitting a civilian bus with passengers travelling on the Djakovica - Podgorica route. 17 people were killed, while 44 were gravely or lightly wounded.

54. On 4 May 1999 at about 3.00 p.m. a "Ford Escort" passenger car was destroyed by a delayed explosion of a cluster bomb on the Pec-Rozaje highway at the site at which the civilian bus had been hit a day before. Several people were killed and 1 person was wounded.

55. On 3 May 1999 at 1.20, 4.25 and 5.00 p.m. 5 missiles and 3 cluster bombs were dropped in the region of the village of Banjica, municipality of Kacanik, wounding a number of people.

56. On 4 May 1999 at about 3.00 a.m. a cluster bomb container was dropped on the road between Krusevac and Rasic, interrupting traffic for a protected period of time.

57. On 4 May 1999 at 7.00 a.m. 3 missiles and 1 cluster bomb were dropped on the village of Orlate, municipality of Glogovac, wounding several people.

58. On 4 May 1999 two cluster bombs were dropped on the village of Pakos in the vicinity of the lake Radonjic Dam.

59. On 5 May 1999 at about 9.50 p.m. a number of missiles and cluster bombs were dropped on Knic. 59. On 5 May 1999 at 11.30 p.m. a missile and cluster bombs hit a residential area of Ljiljan, damaging family houses and wounding a number of people, including a child 8 years old.

60. On 6 May 1999 at about 1.00 p.m. 2 missiles hit the village of Cedovo, municipality of Sjenica, causing vast material damage.

61. On 7 May 1999 between 11.30 and 11.40 a.m. 2 cluster bomb containers were dropped on Nis. 1 container fell in front of the Pathology Hospital, the other in the town centre in front of the Nis University Rector's Office and the "12 February" Health Centre. The central city market place near the Nis Fortress was also shelled. 11 people were killed in the explosions of cluster bombs, 14 were gravely and 11 lightly wounded. 120 housing units were damaged and 47 destroyed, while 15 passenger cars were also destroyed.

62. On 6 May 1999 at 11.30 a.m. a cluster bomb container was dropped in the region of the village of Merdare, municipality of Podujevo, gravely wounding a great number of people.

63. On 6 May 1999 at 3.50 p.m. a large number of unexploded cluster bombs were found in the village of Crmljane, municipality of Djakovica.

64. On 6 May 1999 between 4.05 and 4.25 p.m. a missile hit the "12 February" Bridge and 2 cluster bomb containers were dropped near a car dealership and the "Nis Expressa" parking lot in Nis. 1 person was gravely and 15 people lightly wounded.

65. On 6 May 1999 at about 10.00 p.m. cluster bombs were dropped on a residential area in the region of the village of Junik.

66. On 6 May 1999 at 10.15 p.m. 2 cluster bomb containers were dropped in the region of the village of Orgosi Babus, municipality of Urosevac, causing substantial material damage.

67. On 6 May 1999 4 cluster bombs were dropped in the region of Decani in the vicinity of the Decani Monastery.

68. On 6 May 1999 at 11.40 a.m. the region of Belopoljske Mountains in the area of the municipality of Pec was hit with cluster bombs.

69. On 8 May 1999 between 11.00 and 11.45 a.m. 36 unexploded cluster bombs were destroyed in the Rugovska Gorge dropped by NATO plane in the area.

70. On 10 May 1999 at about 1.45 a.m. a number of civilian targets were hit with cluster bombs in Nis causing substantial material damage.

71. On 10 May 1999 from 11.15 to 11.45 a.m. a number of targets were struck in the municipality of Djakovica.

72. On 10 May 1999 at about 4.00 p.m. a refugee convoy was struck with cluster bombs on the Prizren-Djakovica motorway in the region of the village of Mala Kruse, municipality of Prizren.

73. On 10 May 1999 at about 11 p.m. the region of the village of Srbarica, municipality of Kacanjevo, was struck with cluster bombs, causing substantial material damage.

74. On 11 May 1999 at about 1.15 a.m. the region of the village of Staro Gacko, municipality of Ljubjan, was bombed. 3 people were killed and 4 were gravely wounded while several family houses were damaged.

75. On 11 May 1999 at about 8.15 a.m. a number of cluster bombs were dropped on the village of Babin Most, municipality of Obilic, causing substantial material damage.

76. On 11 May 1999 at about 11.25 a.m. civilian targets were struck with two containers of cluster bombs in Nis, causing vast material damage.

77. On 11 May 1999 at about 12 noon, the buildings of the "Krusik" company in Valjevo were hit with cluster bombs, causing vast material damage.

78. On 12 May 1999 at about 3.15 a.m. the region of the village of Kostanje, municipality of Urosevac, was bombed with cluster bombs. Several people were gravely wounded and vast material damage was done.

79. On 13 May 1999 at 11.54 p.m., according to the initial and still incomplete data, 84 people were killed and over 100 were wounded (Yugoslav citizens of Albanian nationality, mainly women, children and the elderly) by cluster bombs dropped by NATO planes on the refugee camp in the village of Koriate on the road between Suva Reka and Prizren.

II

Bombing civilian targets in the territory of the Federal Republic of Yugoslavia, the NATO planes have used depleted uranium ammunition. NATO bombing squadrons sent against targets in the Federal Republic of Yugoslavia include also A-10 planes, the payloads of which contain the ammunition made of depleted uranium.

On 10 March 1999, A-10 planes bombed the region of Greater Prizren.

On 18 April 1999 A-10 planes used radio-active ammunition in the region of Greater Bujanovac. On the basis of spectrometric tests and identification of radio-nucleides it can be positively averred that the sample - the bullet for the 30-millimetre cannon of the A-10 plane - contains depleted uranium. The diametre of the core is 16 mm, length 95 mm, mass 292 gramme and the calculated density about 18 g/cm. The tested sample has been appropriately deposited and may be offered as evidence material.

The depleted uranium is radio-active nuclear waste, the combustion of which releases products which are radio-active and poisonous. High temperature is created at the impact of the missile and at least 70 per cent of the total mass of the depleted uranium and its oxides is released in the form of aerosol (particles below 5). These particles are inhaled into organisms, they contaminate the environment and are spread creating a contamination of broader proportions.

According to international standards uranium 238 belongs to the second group of radio-nucleides of very high radio-activity and toxicity and as such is very dangerous for the population. Its use is highly inhumane both for its instantaneous and for its subsequent radio-active effect. The effects of its use against troops and the civilian population are fatal since they cause wounds followed by contamination which makes the use of this ammunition a crime against humanity and international law.

UNITED
NATIONS

E

Economic and Social
Council

Rather than drafting documents transforming reality into lies, kindling animosity, distrust and belligerent attitudes, my delegation is determined to put an end to self-righteous confrontations of this nature. It advocates a constructive dialogue with a view to strengthening and implementing the human rights mechanism of the United Nations.

My delegation strongly condemns the attempts at politicization of a human rights expert body by Azerbaijan and believes that the Sub-Commission should no longer tolerate such "procedures" which only serve limited State interests.

I would be grateful if you could circulate the present letter as an official document of the fifty-first session of the Sub-Commission on the Promotion and Protection of Human Rights under agenda item 3 (c).

(Signed) Karen MAZABIAN
Ambassador
Permanent Representative